

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**DECEMBER 11, 2014**

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Complex, 201 West Gray Street, on the 11<sup>th</sup> day of December 2014. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Chairman Dave Boeck called the meeting to order at 6:30 p.m.

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Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Robertta Pailes  
Erin Williford  
Sandy Bahan  
Dave Boeck  
Jim Gasaway  
Tom Knotts  
Chris Lewis  
Cindy Gordon

MEMBERS ABSENT

Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Jane Hudson, Principal Planner  
Janay Greenlee, Planner II  
Roné Tromble, Recording Secretary  
Jeff Bryant, City Attorney  
Larry Knapp, GIS Analyst II  
Shawn O'Leary, Director of Public Works  
Ken Danner, Subdivision Development  
Manager  
Scott Sturtz, City Engineer,  
Drew Norlin, Asst. Development Coordinator  
David Riesland, Traffic Engineer  
Terry Floyd, Development Coordinator

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Chairman Boeck welcomed Erin Williford to the Planning Commission.

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Ms. Connors explained the additional information that has been provided to the Planning Commission for this meeting. There is a new protest/support map for Item 11 to show the support letter that was received. There is a new site development plan and new PUD Narrative language regarding signage for Items 5, 11 and 12.

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### **CONSENT ITEMS**

The Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 2, being:

**APPROVAL OF THE NOVEMBER 13, 2014 REGULAR SESSION MINUTES AND NOVEMBER 25, 2014 SPECIAL SESSION MINUTES**

Item No. 3, being:

**COS-1415-3 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY MATT, PAIGE AND BARBARA MUSGRAVE (CENTERLINE SERVICES, L.L.C.) FOR DIEHM ACRES GENERALLY LOCATED ON THE WEST SIDE OF 84<sup>TH</sup> AVENUE S.E. APPROXIMATELY ½ MILE NORTH OF STATE HIGHWAY NO. 9.**

Item No. 4, being:

**COS-1415-4 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY ROBERT AND CATHERINE JACKSON (JIVIDAN AND COMPANY) FOR SUNSET RIDGE, GENERALLY LOCATED ON THE SOUTH SIDE OF STELLA ROAD AND EAST OF 132<sup>ND</sup> AVENUE N.E.**

Chairman Boeck asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked if anyone in the audience wished to remove any item from the Consent Docket. There being none, he asked for discussion by the Planning Commission.

### **DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Chris Lewis moved to approve Item Nos. 2 through 4. Jim Gasaway seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Roberta Pailles, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to approve Item Nos. 2 through 4, passed by a vote of 8-0.

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Item No. 2, being:

**APPROVAL OF THE NOVEMBER 13, 2014 REGULAR SESSION MINUTES AND NOVEMBER 25, 2014 SPECIAL SESSION MINUTES**

This item was approved by a vote of 8-0 as part of the Consent Docket.

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Item No. 3, being:

**COS-1415-3 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY MATT, PAIGE AND BARBARA MUSGRAVE (CENTERLINE SERVICES, L.L.C.) FOR DIEHM ACRES GENERALLY LOCATED ON THE WEST SIDE OF 84<sup>TH</sup> AVENUE S.E. APPROXIMATELY ½ MILE NORTH OF STATE HIGHWAY NO. 9.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Request for Variance in the Area
5. Request for Variance of the Private Road Width
6. Greenbelt Commission Comments
7. Excerpt of November 13, 2014 Planning Commission Minutes

This item was recommended for adoption by a vote of 8-0 as part of the Consent Docket.

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Item No. 4, being:

**COS-1415-4 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY ROBERT AND CATHERINE JACKSON (JIVIDAN AND COMPANY) FOR SUNSET RIDGE, GENERALLY LOCATED ON THE SOUTH SIDE OF STELLA ROAD AND EAST OF 132<sup>ND</sup> AVENUE N.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Greenbelt Commission Comments
5. Excerpt of November 13, 2014 Planning Commission Minutes

This item was recommended for adoption by a vote of 8-0 as part of the Consent Docket.

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**NON-CONSENT ITEMS**

Item No. 5, being: **CLASSEN CROSSINGS, L.L.C.**

**5A. R-1415-4 – CLASSEN CROSSINGS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM COMMERCIAL DESIGNATION TO MIXED USE DESIGNATION FOR PROPERTY GENERALLY LOCATED SOUTH OF EAST CONSTITUTION STREET AND ON THE WEST SIDE OF SOUTH CLASSEN BOULEVARD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. 2025 Map
2. Staff Report
3. Excerpt of November 13, 2014 Planning Commission Minutes

**5B. O-1415-3 – CLASSEN CROSSINGS, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, AND I-2, HEAVY INDUSTRIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED SOUTH OF EAST CONSTITUTION STREET AND ON THE WEST SIDE OF SOUTH CLASSEN BOULEVARD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-C
4. Revised Preliminary Site Development Plan (Sign Locations Included)
5. Excerpt from Revised PUD Narrative regarding Signage

**5C. PP-1415-1 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY CLASSEN CROSSINGS, L.L.C. (OKLAHOMA SURVEY COMPANY) FOR CLASSEN CROSSINGS APARTMENTS & RETAIL ADDITION, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED SOUTH OF EAST CONSTITUTION STREET AND ON THE WEST SIDE OF SOUTH CLASSEN BOULEVARD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments

**PRESENTATION BY STAFF:**

1. Janay Greenlee – The applicant, Classen Crossings, is requesting a NORMAN 2025 Land Use and Transportation Plan amendment from Commercial to Mixed Use Designation. This is the subject tract, currently commercial land use, proposing mixed use development. Also, a rezoning is being requested from A-2, Rural Agricultural, and I-2, Heavy Industrial, to a Planned Unit Development, and also consideration of a preliminary plat for Classen Crossings Apartments and Retail Addition. The subject tract – part A-2 and this section right here currently I-2 is the existing zoning. This is the existing land use. There was once a single-family home at the site. It had been there for many years but most of the lot is vacant. This is the preliminary site development plan for the project. Commercial fronting Classen, with the 44-unit apartments in five different buildings to the rear. The railroad to the west. Classen industrial is to the south and then the Family Video commercial is to the north. You'll note on the site plan two sign locations – one right here just right behind the 5-foot landscape buffer. It will be a pole sign. And then the ground sign for the residential component is located over here. The site plan has been amended to show those. This is the site itself. This is looking from Classen to the west toward the railroad. This is looking to the south. This is south on Classen. This is directly across the street to the east. This is another development that's going to be very similar in nature to what is being proposed with the commercial retail that's in front with the residential component to the rear. The Family Video to the north of the site. And this is looking north. This is the future – which is

happening right now – is developing is the neighborhood Walmart with the planned unit development with the residential component that's going on right now. Staff assesses two things for a land use change. We look at the circumstances in the general vicinity – if they have changed in recent, and also traffic impacts. Staff does believe that this type of mixed use development is definitely in concurrent with what's happening right now. It is approximately 3.9 acres. There's going to be 11,400 square feet of commercial development, 44 dwelling units, as I said, with five buildings that are going to be two stories. The commercial component will be one story building. There will be 32 2-bedroom with one bath, 8 2-bed with 2 baths, and 4 units with 3-bed and 3 baths, with two accessible units. There is 23% green space at the site. As I stated, the site plan amendment shows the signs and also the access for the development. There's two access points on the development – let me go back to that – this is the north access. It's a right-in/right-out only. And then the other access is for the gated residential, which is both right-in/right-out, can go both ways onto Classen. They have come to an agreement with that, and also as well as a sewer solution with a cross-access agreement with the railroad. Given that, staff does support this development and we do recommend approval of Resolution 1415-4, Ordinance No. 1415-3 and the preliminary plat 1415-1. I'd be happy to answer any questions.

2. Ms. Gordon – So the southern in and out access off of Classen – can you pull up the picture to where, in relation to that development across the street, that kind of happens? I can't get a really good visual of that. So where does that exit hit in relation to this?

Ms. Greenlee – I believe it's going to line up with the access point across the street.

Mr. Boeck – Go back to that plan. I think it's south of that. The original plan that you had up. See, if you look, it's just offset a little bit.

Ms. Gordon – Does that interfere – or will that interfere with that left turn lane or anything at that signal light that's going to be there?

Ms. Greenlee – The traffic impact study and the traffic engineer for the City of Norman have gone through it and have approved it.

3. Ms. Pailles – Out of curiosity, has the potential hazard of putting people so close to the railroad track been addressed or considered?

Ms. Greenlee – There is an easement and the railroad does make all development adhere to, and there is development all along. Another example is the Boyd and Classen. There's the Loft development that directly abuts the railroad track and they meet that setback.

Ms. Pailles – Yeah. I, personally, voted against the Loft because I did not want the liability of putting people in harm's way. When we first moved here I was surprised that there were apartments at Lindsey and Classen so close to the railroad track and I thought, well, with modern zoning you couldn't do that anymore. But these are closer to the railroad track than any of that previous development. Between Boyd and Lindsey there are a number of single-family homes. The homes are approximately 200 feet from the railroad track. This the apartment facing the right-of-way there is about 80 feet from the center of the railroad track. So I personally thought that was a bit of a hazard. I looked up the incidents of derailments in Oklahoma – and some derailments are fairly simple – the train just flops right over. But a lot of derailments are – obey the laws of physics – the trains become a wave and they go way past what the easement is for the railroad track. So, anyway, I looked them up. 2008 derailment in Luther. 2005 one in Jones where there was an explosion. 2010 derailment in Oklahoma City. 2014 and 13 derailments in Tulsa. 2012 Goodwell – that was an immense fireball. 2013 Winoka. 2014 Winoka. I would consider that there is a – that this is putting people in harm's way. That the original agricultural or at least industrial designation is appropriate – that it's an inappropriate place to put people. Not only – and it's becoming increasingly so. The Bachan oil fields type are far more flammable than the past. The request has been for the trains to be more cautious in carrying this; no changes have been made. When that explodes, it causes houses nearby to explode from the inside. It is incredibly flammable. I don't know if you can enter this into the records or anything. It says hazardous cargo shipping highly flammable Bachan crude oil yet many communities are unprepared for an accident. I certainly would not want to put people

anywhere near that so, basically, I'm saying I'm voting against it because I don't think I can personally accept the possible liability of putting people in harm's way.

Ms. Greenlee – It does meet the setback regulations for that.

Ms. Pailles – It does. It is less than the setbacks that were observed in the 20's, and I'm sure it's entirely legal. I'm not questioning that it's legal. Whether it's prudent is an individual call and I'm making that on the basis of what I just said, the record of derailments and the increasing hazard of explosion.

4. Ms. Greenlee – Lastly, I just would like to include that we provided a proposed motion for your consideration that includes all sign information regarding the site development plan with the proposed signs. And the applicant is here to make a presentation.

#### **PRESENTATION BY THE APPLICANT:**

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I will be brief. I know we have a long agenda tonight. That is the site plan. I want to address these two questions here very shortly. But let me take you through it again just to show you a couple things here. There's the site plan; you've seen that. I just want to show you what it would look like. This is basically the generic strip center on the front. This is what the elevations of the residential units on the back side of it would look like. This is that easement that we talked about.

First, I want to tell you the reason we postponed several months is we were trying to get sewer access to this site, and we are very appreciative of staff. Staff helped us quite a bit on this to try to find a way to get sewer to this site and also the right-in/right-out. And the sewer that we're talking about is right there. We could not get the ability to bore under the Family Video properties, so we have gone over onto the BNSF property and the right-in/right-out is right up here where we compromised with staff. This does have full support of everybody that we've had so far. No protests. No problems at Pre-D. Nobody came to Pre-D. And, as staff notes, this is currently zoned industrial and agricultural and I would hope we can all agree that this is certainly not agricultural land anymore and really the industrial is not what has been happening.

So there is the site plan. Let me address those comments, though, if I may, Commissioners. First and foremost, the right-in/right-out – and the reason we have two curb cuts is really from the staff report – or, I'm sorry, from the traffic impact study and let me read that to you: "Because of the heavy traffic on Classen Boulevard, it is recommended that the two proposed drives be installed for the Classen Crossings development to offset the difficulty in exiting the development created by the traffic on Classen." So the traffic impact study said we needed two ingress and egress points. That means, then, we separate them as far as we can. Staff was very gracious in supporting us on the right-in/right-out only, as we have on the left side, and then we move the other one as far over as we can. So that is the reason that we have those located as we do.

Commissioner Pailles, to address you on the comments. They're well-taken. We appreciate those comments. We understand your concerns. But I do want to highlight that we have many properties that are in close proximity to the railroad tracks – the Loft was mentioned. I would also mention The Edge apartments that are up on Classen just to the east edge of the railroad tracks. Those are three, I believe – maybe four stories. Large. The Edge complex. You're familiar with it? I wish I had an arrow that would show you. Right up against the railroad tracks. And I would also remind you that the Center City Visioning Project right now, that is only in draft form – it's not adopted policy but it is in draft form and I believe – unless I'm mistaken and Ms. Connors, please correct me if I'm wrong – but I believe one of the corridors shown for one of the highest density possibilities is the corridor along Jenkins by the railroad tracks. I believe that has, I think, the highest max height – one of the corridors shown in the Center City proposal is in that corridor – not right up next to the tracks, but next to Jenkins, which is right up next to the tracks as it curves south of downtown. So there are many examples of existing developments and even possibly proposed that would put lots of residential complexes next to the railroad tracks, and we could go on and on about some of the other areas in urban locations that have that. Last point on that, we are at 200' right-of-way, I believe, at the tracks.

We're about 100 feet away from the centerline of the tracks to the edge of our property. Then we have an easement beyond that that would take you a little bit farther. So we believe – we're very confident that this is a safe condition. We think it is. We think it's proven out with other properties. With that, I'm happy to answer any questions you have and we request your support tonight.

2. Mr. Knotts – Is there a barrier between the development and the railroad right-of-way?

Mr. Rieger – Yes. A fence. There would be a barrier as far as a fence. This will be discouraged as far as pedestrian traffic interfacing, of course, with the railroad track.

Mr. Knotts – 3' or 6'?

Mr. Rieger – I believe we show 6'.

Mr. Knotts – Concertina wire?

Mr. Rieger – Not concertina wire. No.

3. Ms. Gordon – I have a quick question while he's playing with buttons here. So, just curious, the development across the street – that commercial strip – is half full. I mean, those things have been sitting empty pretty much forever, basically – couple of years now – however long that thing has been there. And you guys are wanting to put more of the same across the street and I'm just curious as to what magical thing you're going to do to get yours to fill but not have those across the street that aren't working.

Mr. Rieger – One of the things that's happening in southeast Norman is really an explosion of population as you go farther south from this area. So we believe – and I think many believe – that traffic on Classen is going to become quite intense – much more intense than it is right now as the population south of Highway 9, especially, is seeing very large complexes get built. There are proposals working through staff right now that haven't come to you that show plans for additional hundreds – literally – of acres that will be in play in the South Classen/South Highway 9 area. So we believe as those people certainly move up and down Classen Boulevard every day, there will be more and more traffic – more and more exposure for these properties.

4. Mr. Lewis – Mr. Rieger, I have a question. In regards to the safety of the occupants that are going to be in those apartments – certainly putting anyone in harm's way is unwise. To your knowledge, when trains come into the City of Norman – I certainly understand in the rural area trains can go upwards of 55, 60, 70 miles an hour. I'm certainly not an engineer in regards to the railroad. But in the City of Norman, do trains not have to slow down? And do we not have safety in place to protect the public? Commissioner Pailles, I certainly respect the concern of putting future tenants in harm's way, but I just can't see that's the case if a train is going at a minimal speed coming through our fair city. And in the rural areas it speeds up. And certainly train derailments happen. They happen all over the country. To your knowledge, do you know of any speed limit in this city?

Mr. Rieger – I do not, Commissioner. I'm not aware of their regulations as to what speed they have to go at and what they don't.

Mr. Lewis – Does our legal department, by chance, know?

Mr. Bryant – 35 miles per hour.

Mr. Lewis – So 35 miles an hour. If a train derailed, you said there's at least 100 feet?

Mr. Rieger – Probably about 120' from the centerline of the track.

5. Ms. Gordon – Can I just remind my Commissioner friend that doesn't it take a good mile for a train to stop? Maybe not at 35 miles an hour, but if a basic car going 50 miles an hour can go through a wall, I'm going to just suggest that a train going 35 miles an hour that derails could easily take out an apartment within a few hundred feet.

Mr. Lewis – I would certainly agree with you. I would say that if a train is going to derail and there's going to be hazardous chemicals on that train, then it's not just going to be 100 feet – 200 feet or 300 feet that we're going to have to actually ask people to leave. It's going to be



miles that we're going to have to ask people to leave. So just by having a train come through the City of Norman, I think having an apartment complex 100 feet from a railroad track is not putting anyone in any more harm's way than having The Commons down the street to the south, having The Edge over to the west, having a retirement center down further to the south of that. I don't see this as being any different than any other complex.

Mr. Rieger – I would also suggest – I believe it was Park 7, Campus Crest, Grove products south of Highway 9, between 12<sup>th</sup> and the railroad tracks. I don't recall the exact site plan as to whether they were right up against the tracks or whether there was a parking lot, but the development itself did abut the railroad tracks and those were approved.

6. Ms. Pailes – Very quickly, the places I read are all cities. So those derailments were inside cities. Jones, Luther, Oklahoma City, Tulsa, Tulsa, Winoka. Those are all inside cities. So, if you want to just Google derailment, it's quite instructive. I was not even addressing really the chemical deal. That's an entirely different deal. I'm just thinking of waking up with a boxcar in your bedroom. At the very least, what I would suggest – yes, there are developments like that. I wasn't on the Planning Commission then. And it's an individual decision. I would at least suggest that when you're putting a development along the tracks the people – apartments, especially – should be along the street and the parking lot should be near the tracks. At least gives you a fighting chance. Again, if it's commercial, at least if you have a derailment you're vertical – you're up – you've got a chance if you're not asleep and helpless. That's my take on it.

#### **AUDIENCE PARTICIPATION:**

1. Joy Hampton, Norman Transcript – If I'm out of line, this is my first Planning Commission meeting I think. But that area already has heavy bicycle use by students. It sounds like the location of this complex would probably serve students. I was wondering if there's any hope for bicycle friendly inclusions in the plans.

Mr. Rieger – Thank you. My engineer was reminding me. Yes, we do, of course, have sidewalks across the front – I believe 5' sidewalks across the front of the space, and we do have bike racks that we have to provide within the facility. So the answer is yes. We are accommodating bicycles. We will connect to the sidewalks that are around the Family Video site right here. And I don't see whether there's – but then you're on Constitution Avenue which takes you on into the South Research Campus of the University. I don't remember what the bike path situation is on Constitution Avenue, but as to immediately around our site, yes, we would connect to any sidewalk system.

#### **DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Jim Gasaway moved to recommend adoption of Resolution No. R-1415-4, Ordinance No. O-1415-3 with the amended site plan showing sign locations and amended PUD Narrative addressing signage, and PP-1415-1, the Preliminary Plat for CLASSEN CROSSINGS APARTMENTS & RETAIL ADDITION, A Planned Unit Development, to City Council. Chris Lewis seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS

Erin Williford, Dave Boeck, Jim Gasaway, Tom Knotts, Chris Lewis

NAYES

Roberta Pailes, Sandy Bahan, Cindy Gordon

ABSENT

Andy Sherrer

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1415-4, Ordinance No. O-1415-3 with the amended site plan and amended PUD Narrative addressing signage, and PP-1415-1 to City Council passed by a vote of 5-3.

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Item No. 6, being: **RIGHT-OF-WAY CLOSURE**

**6. O-1415-20 – NANCY MUENZLER REQUESTS VACATION OF A PORTION OF THE RIGHT-OF-WAY OF FRITZLAN ROAD GENERALLY LOCATED AT THE WEST END OF FRITZLAN ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Postponement Memo
3. Postponement Request
4. Excerpt of November 13, 2014 Planning Commission Minutes

Chairman Boeck announced that the applicant's representative has requested postponement of this item until the January 8, 2015 Planning Commission meeting.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Chris Lewis moved to postpone Ordinance No. O-1415-20 to the January 8, 2015 Planning Commission meeting. Tom Knotts seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Roberta Pailles, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion to postpone Ordinance No. O-1415-20 to the January 8, 2015 Planning Commission meeting, passed by a vote of 8-0.

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Item No. 7, being:

**7. O-1415-24 – MARTY AND LADEANA CUMMINS REQUEST SPECIAL USE FOR A RIDING ACADEMY AND PUBLIC STABLE WITH EQUINE-ASSISTED PSYCHOTHERAPY FOR PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, AND LOCATED AT 3415 24<sup>TH</sup> AVENUE N.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Postponement Memo
3. Request to Postpone Indefinitely

Chairman Boeck announced that the applicant has requested indefinite postponement of this item.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Tom Knotts moved to postpone Ordinance No. O-1415-24 indefinitely. Roberta Pailles seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Roberta Pailles, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion to postpone Ordinance No. O-1415-24 indefinitely, passed by a vote of 8-0.

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Item No. 8, being:

**8. O-1415-25 – ALPHA GAMMA DELTA CHAPTER REQUESTS REZONING FROM R-2, TWO-FAMILY DWELLING DISTRICT, TO RM-2, LOW DENSITY APARTMENT DISTRICT WITH SPECIAL USE FOR A FRATERNITY OR SORORITY HOUSE, FOR PROPERTY LOCATED AT 920 CHAUTAUQUA AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Site Plan
4. Pre-Development Summary

**PRESENTATION BY STAFF:**

1. Janay Greenlee – As you stated, Alpha Gamma Delta rezoning from R-2, Two-Family Dwelling District, to RM-2, Low Density Apartment District with Special Use for a Fraternity or Sorority. This is the subject tract, currently zoned R-2. The existing land use. The existing sorority house is there.

This is the proposed site plan for the development of this sorority. Recently the sorority last year suffered a house fire. So they have not been living at the sorority house. They've come in to redevelop the existing house and to add an expansion. Because it's zoned R-2 and sorority is not allowed with a special use in R-2, we're suggesting it go into RM-2 with the special use for a sorority because they're doing an addition. They're a legal non-conforming use. This will bring the sorority house into conformity with the zoning.

This is going to be an additional chapter room, an additional storage room. They're doing a landscape buffer on the north side that will include trees every 17'. They're redesigning the parking lot to accommodate each bed, so there will be adequate parking on the site. They're also eliminating – there were two spaces on Chautauqua that were parallel parking spaces. They're eliminating those spaces and slightly moving the driveway to the south.

They did go through Board of Adjustment yesterday evening for a variance for the coverage on the lot from 67 to 74% and the modified landscape buffer as shown, and that was approved yesterday evening.

This is the existing site – the house right now. This is looking south toward Lindsey. And this is looking north toward Boyd. This is the parking lot as it is now, which they'll reconfigure, that abuts against the alley in the rear. This is the north side of the parking lot where the landscape buffer will be. And this is the rear – the alley access.

Staff does believe, because the sorority has been existing and has been there for many, many years, that this use can remain and has done well within the residential area, and staff recommends approval of Ordinance No. 1415-25. The applicant is here if you do have any questions.

**PRESENTATION BY THE APPLICANT:**

The applicant's representative was present but did not make a presentation.

**AUDIENCE PARTICIPATION:**

1. Mitch Baroff, 421 Park Drive – Did I hear there's no increase in the number of beds?  
Ms. Connors – That's correct.  
Mr. Baroff – And they're going to deal with the parking, so it's a little better situation?  
Ms. Connors – That's correct.  
Mr. Baroff – Great.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

Chris Lewis moved to recommend adoption of Ordinance No. O-1415-25 to City Council. Cindy Gordon seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Roberta Pailles, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion to recommend adoption of Ordinance No. O-1415-25 to City Council, passed by a vote of 8-0.

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Item No. 9, being:

**9. O-1415-26 – GSH AOII OKLAHOMA, L.L.C. REQUESTS SPECIAL USE FOR A FRATERNITY OR SORORITY HOUSE FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, AND LOCATED AT 1411 ELM AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Pre-Development Summary

**PRESENTATION BY STAFF:**

1. Janay Greenlee – Alpha Omicron is requesting a Special Use for a Fraternity or Sorority. It's currently zoned R-3 and in R-3 a sorority is a special use, so therefore there is no rezoning. The existing zoning – R-3. The existing site – there is the sorority house there. This is the sorority itself. This is looking to the east on the south side of the sorority house. In the rear is the parking lot. Back here is OU. Sorority on the south. Sorority row and fraternity row. Looking south from the sorority. Across the street fraternities and sororities. And looking north toward Lindsey.

Staff does support this request. Existing sorority, just bringing the zoning into conformance again, so when they do decide to expand that they will be able to come through with that expansion. They are going to realign the parking lot to better suit their number of beds. Staff does support this request – Ordinance No. 1415-26. We recommend approval. Be happy to answer any questions. The applicant's representative is here if you do have any questions.

**PRESENTATION BY THE APPLICANT:**

The applicant's representative was present but did not make a presentation.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Chris Lewis moved to recommend adoption of Ordinance No. O-1415-26 to City Council. Sandy Bahan seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Roberta Pailles, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion to recommend adoption of Ordinance No. O-1415-26 to City Council, passed by a vote of 8-0.

\* \* \*

Item No. 10, being: **LEGACY TRAIL APARTMENTS, L.L.C.**

**10A. R-1415-61 – LEGACY TRAIL APARTMENTS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM COMMERCIAL DESIGNATION TO HIGH DENSITY RESIDENTIAL DESIGNATION FOR 10.31 ACRES OF PROPERTY GENERALLY LOCATED AT 3219 W. ROCK CREEK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. 2025 Map
2. Staff Report

**10B. O-1415-29 – LEGACY TRAIL APARTMENTS, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 10.31 ACRES OF PROPERTY GENERALLY LOCATED AT 3219 W. ROCK CREEK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-E

**10C. PP-1415-13 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY LEGACY TRAIL APARTMENTS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LEGACY BUSINESS PARK & LEGACY TRAILS APARTMENTS, A PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 19.34 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY 560' EAST OF 36<sup>TH</sup> AVENUE N.W.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Revised Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan – Legacy Trails Apartments
6. Revised Preliminary Site Plan – Legacy Business Park
7. Pre-Development Summary
8. Greenbelt Commission Comments

**PRESENTATION BY STAFF:**

1. Jane Hudson – Just real quick, I wanted to give you one update from the staff report in your agenda. It stated that the Park Board will meet after the printing of the agenda. This did go to Park Board and it was voted fee in lieu of land, 7-0. That's an update for you on that.

Several of you saw this application south of this proposal come in back in August when Legacy Business Park came in in this area. They're moving forward with the subject tract here now. The existing land use for this site is Commercial. North is Industrial. To the east you have Office and Commercial. South you have High Density Residential as well as Low Density Residential and some Commercial. And to the west you have Commercial and Low Density Residential, which this Low Density Residential is actually an apartment complex, or a duplex type setup over there. If approved, this will now become a High Density Residential Designation. The existing zoning in the area is, again, I-1 to the north for the industrial use; O-1, C-2 to the east with the additional park area on the east side there. You've got RM-6 and R-1 and C-1 to the south, with C-2 and the RM-6 there to the west. And, if approved, this would take on the Planned Unit Development designation. Again, the existing land use in the area. It is the industrial, commercial, residential surrounding property. This is the preliminary plat location. Again, as I stated, the southern portion came in in August and this is now coming forward with the continuation of the development there. This is just an aerial photo of the site to familiarize. Again, like I said, there's the park area to the east with the walking trail which does connect to Legacy Trail there along Rock Creek Road. This is the south side of the development. This is Pendleton Drive, which will continue in and dead end at the apartment complex there. Legacy Trail along Rock Creek Road. This is the multi-family that will be to the west of this proposal. This is, again, the site looking from the industrial area to the north.

This will consist of 210 units; 378 parking spaces are required and they have proposed 438. As we have discussed before, there has been a great deal of activity in this area. The Rock Creek Road overpass, the street improvements, the addition of the neighborhood Walmart to the west, future professional offices to the south. As a result, it is not surprising that multi-family is coming in there because it does not have the frontage on the street. Staff does support this rezoning request, as well as the resolution – Ordinance No. O-1415-29 and Resolution No. R-1415-61. I'd be happy to answer any questions you might have. The applicant is here with a presentation for you as well.

2. Ms. Pailles – I have a question – a couple. Is there any access from the development directly into the park? I mean, is it easy to get out of the development to the park, or do you have to go all the way around the front?

Ms. Hudson – Pedestrian access?

Ms. Pailles – Yeah.

Ms. Hudson – I think the applicant can probably speak to that as well, but I believe that there is a fire lane access that will be on the east side. I thought I had a plat, but Hal may have a better picture of that.

3. Ms. Pailles – What is the fencing along the back? What material? I assume there is fencing across the back of the property between here and the industrial area.

Ms. Hudson – It's a brick wall. Yes.

Ms. Pailles – Brick wall. And the neighbors up on Bart Conner Drive – the industrial area – do we know who they are? Are there any hazardous chemicals?

Ms. Hudson – Not to my knowledge. We have – I believe Massey's Dance Studio is up there. There is an engineering firm that's up there, and maybe a couple other office.

Ms. Pailles – I just was curious if that had been examined to make sure there was no acetone in use in a garage – things like that.

Ms. Hudson – Not to my knowledge, no.

#### **PRESENTATION BY THE APPLICANT:**

1. Hal Ezzell, 100 48<sup>th</sup> Avenue N.W., representing the applicant – Thank you, Commissioners. I'm glad to be here this evening. In addition to being the representative of the applicant, I'm also one of the owners of this project, so it's highly personal to me. I think probably the thing I want to do is I'm going to let Tom McCaleb address you first and talk about some of the technical details on the site.

As you see before you, this will be done in the French country architectural style. This will be generally what each of the building elevations will look like. I would note, before we go into that, that the balconies there are decorative. We don't actually allow functional balconies. We don't find them to be a positive. They wind up being a storage place for things and a place to hang towels and laundry. So those are decorative accents. This will be the elevation of the clubhouse facility that will be present.

Before Tom gets going, I just want to talk a little bit about – you've already sort of seen this, but this is the 10.3 acres. It's in the back behind the commercial. This is going to be about 68,500 square feet of office space and about 10,000 square feet of retail space. This is the Walmart Neighborhood Market. The retail space will come down in here on the south. That doesn't have anything to do with our project. And then it will be all office buildings across the back and on this end.

To just briefly and quickly address Commissioner Pailles' question. We are redoing the east wall to address and incorporate the comments of the Greenbelt Commission. One of the sort of exciting and unusual aspects of this project is we're putting in a bike share program – and bike shares are not that common in this part of the country but it's basically you can come up – it's open to the public access via credit card, take a bicycle and ride it off to wherever you want to ride it off to. We're pleased that the City is considering – just over on the other side of this Rock Creek Road overpass – is Legacy Park and the City is very seriously considering putting



another one of these bike share stations in Legacy Park, and we're trying to convince them to partner with them on other places along Legacy Trail. One of the keys to the success of the bike share program is you've got to have multiple stations. You can't just have one bike share station that doesn't have any destination point. So we're going to modify the east wall and bring an indentation in and we're going to have that bike share station located to incorporate the Greenbelt Commission comment to tie it into what is probably better called a trail spur than a park that comes up off of Legacy Trail.

And since I've got it on Tom's drawing here on the preliminary plat, I'm going to stop right there and let him take over and talk about how some of the infrastructure works on the site.

2. Tom McCaleb, SMC Consulting Engineers, engineer for the applicant – Thank you, Hal. As Hal has suggested, and as Jane had already suggested, this site has evolved quite a bit. The tract of land has been submitted, the preliminary plat, the drainage report, all that stuff has been submitted and reviewed by staff and has been accepted.

This property has changed quite a bit with the construction of the I-35 overpass at Rock Creek Road which not very long ago, it wasn't there. With the cooperation of this applicant and the land owner, the S&S Family Properties, that road and that construction has been able to commence. In addition, with the same cooperation, there is east of this site a detention pond, a wetlands, and a City park. So that all has happened with the applicant's assistance to make all that happen. So here we are with the last piece of land that they own, which is this 10 acres. It has been with the site. Previously, the neighborhood market – Walmart – has been zoned; it's built. The Christian Brothers Automotive has been zoned and it's built. The tract to the south of this tract has been zoned and there is a cooperative effort between the apartment people and the business people to cooperatively build a lot of the infrastructure.

Let me briefly tell you what that is. Pendleton Drive – right there – that road is not there today, but it is across the street to the south. When Rock Creek was built, this was pre-planned and so that access and driveway currently exists. The road will be constructed from Rock Creek north and will be the access for this apartment site. That will be a public street to this location. In addition, the sanitary sewer will be extended from about right here off this existing manhole there and a gravity line will be laid to go over to Pendleton and then up and access and provide sewer for this facility and provide sewer for this facility as well, and it's a cooperative effort in getting that constructed. The same is true for the water line. There's existing water line on Rock Creek Road and there's existing water lines that we stubbed out for the grocery store. Those are all being connected and the water line will come across and serve both sites and it will loop the system for the apartment site, and will loop around the buildings to provide adequate location and loop facilities for domestic water and fire protection. Storm drainage – the same thing. There will be existing detention pond we built right here on this site and this site will provide a connection that will come up and connect to this detention pond and they will be interconnected and built and discharge to the south into Rock Creek Road existing facility. The exact terrain of this property – about half the property drains west and about half of it drains east. The east half would drain to the existing detention pond that's already built and has been sized to handle this water – has been approved to handle this water for detention. So all the infrastructure publicly has been done – already being done and has been planned on being built. Everything is there.

One other item that you just discussed briefly is the Fire Department has requested that we connect an emergency access right here on the east side of the apartments; there will be an emergency crash gate. They've asked us to make that road acceptable to take a fire truck under an emergency condition that will access from the I-35 Service Road. So that will be a crash gate. We've agreed to do that.

Also, there is no connection to the existing sidewalk in the park – it just goes in the park and makes a circle. We've been asked to connect that sidewalk and we're going to connect that sidewalk from the circle right here and extend it like so and connect it to the existing sidewalk that was built with the Christian Brothers facility. So that will be a complete sidewalk connection all the way along the Legacy Park on Rock Creek Road, through the park and into

the park, and outside the park to the service road. So that, briefly, is an account of all the construction – infrastructure required for the facility. Hal will address now the PUD and other issues and subsequent to that we'll be glad to respond to any questions.

3. Hal Ezzell – Thank you. This is the preliminary site development plan that shows the layout of the buildings and the parking. Within that parking count, there are 72 garages that are going to be built, and some of the garages will have units over the top of them; some will just be garage buildings. This is somewhat similar to the layout that we did at the Falls at Brookhaven just on the other side of Rock Creek Road and 36<sup>th</sup>. Again, and you can also get a better flavor for the layout of the commercial and retail in the front of the development. And this shows you a little bit more clearly the crash gate and road that Tom was describing and how the sidewalks tie in.

One other issue that we agreed to address is currently that trail spur sidewalk actually crosses over and encroaches into the property – it is mislocated. We have agreed to move that, at our expense rather than requesting the City move it at their expense, and that also gives us that opportunity to tie in on that east side the bike share station as well that will tie into that and, as Tom said, we'll tie all the sidewalks together and Pendleton Drive.

That's just the preliminary landscape plan. We intend to heavily landscape it.

Commissioner Pailles had asked about the fencing. It's going to be a 6' brick wall all the way around the facility and we will probably, rather than do – we will do a gate access, but we'll do more of an alcove for the bike share station just for aesthetic consistency.

Again, that's the elevation of the building. That's not totally accurate in that the line actually goes over that trail spur sidewalk there. Again, you've seen this, this is the view to the west. That's the Norman Housing Authority project. This is a view if you are standing – that's probably about the northeast corner of the property looking to the north. That is looking from the west boundary of the property into the interior of the property to the east. That's standing on the northwest corner looking to the southeast. Again, that's standing at Pendleton Drive that's going to go through there.

What really sort of changed the lay of the land, and I think it's important to consider the history of it – this 19 acres, or it was more than that then, was annexed to the City in 1960. It was zoned agricultural in 1962. When the City came through in 2009, started the realignment of Rock Creek Road – as you'll recall, the old Rock Creek Road runs right over here. This new four-lane – and one of the reasons we thought this would be a great bike share opportunity is the connection with Legacy Trail and it extends up over the bridge on both sides of the bridge – these are actually what you don't see very much but they're referred as multi-modal sidewalks, meaning that they're much wider than the normal sidewalk, and then you have Legacy Park under construction over there. We really want to tie together to that. But you can see it's four lanes, center turn lane already. That really changed the nature and character that changed this from – that and the industrial district to the north really reduced all feasibility for low-density residential.

The problem with the site, from a commercial standpoint, you have two issues that I want to point out to you. Walmart Neighborhood Market comes in with a fairly restrictive set of covenants for everything that goes in around it. So the Walmart covenants prevent any sort of competitive retail. You're only going to have something very small scale so the City is not losing or giving up a commercial or sales tax opportunity.

The other thing is the depth of the site. All commercial and office – everybody wants to be along Rock Creek; nobody wants to be back here in the back of the site abutting the industrial, so it really kind of winds up being sort of a stranded 10.3 acres that really is not suitable for anything – or most ideally suitable for multi-family. That's the user that would have the interest in that site.

That's looking west toward the Walmart Neighborhood Market and 36<sup>th</sup> Avenue. Again, this is looking north; that's one of the buildings. I really, from the types of users, I'm not aware of any user that would have chemicals. It's Bart Conner Gymnastic Academy, the engineering firm. I'm not aware of any real actual manufacturing activity that goes through there. This is

Christian Brothers and this is the detention facility that Tom was describing. It's a broader view out of it. This is that – I would correctly call a trail spur, rather than a park. This is a pretty small narrow strip here. I think the City intended it to be a passive park, so they have these little explanatory, almost like walking information marquees that you stop and look at and it tells you about the wetlands and it ties into a system on the other side in Prairie Creek Park that does the same thing. This is where it comes around and this is the part that we're going to have to remove because it's actually encroaching on the property line. I think this is important because I just want to show it. This is the area around the detention pond. It's not really very attractive. And this is one of the things that will change with the commencement of this project. This area will be better maintained and cleaned up. The reality is the City does not have the resources to police every small space that accumulates trash like that. But we, because it will be adjacent to our property, will keep that policed and clean up and better landscaped. And the fee in lieu of the parkland is going to contribute to, in addition to some improvements in Prairie Creek Park, some additional tree plantings and we are going to irrigate those trees. That has been one of the prohibitions on more trees there is there's been no way to functionally irrigate them.

I had some other slides, I thought. I think I'm missing a slide. So to talk about the project, I just want to briefly read you one thing from your staff report, because I think it's very appropriate in describing the change in the area, and that's on page 10b-3 of your packet. It says: "However, as time passed and development has continued to expand in the northwest portion of Norman, this area is no longer suitable for rural agricultural or lower density residential uses; this area is surrounded by more intense zonings and uses. The area to the north of this entire ownership and preliminary plat is I-1, Light Industrial District." So this area is suitable for multi-family; it's actually ideally suited for multi-family.

The northwest quarter of Norman – I want to take just a brief moment with some comments and address one of the things that I think is – I hear a lot in conversation and it's discussed a lot is the number of apartments that are being constructed in Norman. There's always the question of when do we get to the tipping point? Are we at the tipping point? Do we have too many? Not enough? Nobody really knows. What I can tell you is – If you don't mind, I want to give just a little bit of a primer on multi-family housing, because I think it's important because you all will have to deal with it so often. Multi-family housing has multiple unique and distinct layers. This is what is called a market rate property, meaning it's not geared to a very specialized demographic, such as senior housing that is geared to a specialized demographic. Student housing is geared to a specialized demographic. Low-income housing is geared to a unique demographic. They each have their own constituency and market, and when you look at Norman it has sort of, frankly, multiple sub-markets. And even within those submarkets, there are distinguishing characteristics. I consider northwest Norman, from a multi-family standpoint, starts at Main Street at about the Mall and goes up to the Interstate and over to 48<sup>th</sup> and runs all the way up to Indian Hills Road. That's what we look at and say that's our constituent market for multi-family housing. That market had no construction from about mid-1980s until the first project that came on-line or was started was the Falls at Brookhaven in that corridor which opened in the later part of 2013. The unique thing about the Falls at Brookhaven project was that it's the first time in our experience that leasing ever outstripped construction. We couldn't get the COs and bring the buildings on fast enough. That project is 99% occupied today.

The market study that we did showed a capacity for the corridor of 800 units and the Falls at Brookhaven was 164. The other thing we look to is the Mike Casis Company did a project called Icon up at Indian Hills Road roughly. We think that's the northern boundary and probably a little bit outside, but that project is now full after only being open a short period of time. There is a high appetite and demand for market rate multi-family housing in that northwest corridor. We have not even yet approached – even with what's under construction – reaching half the demand curve. And there are a lot of societal things that are driving that as well.

You know, home ownership rates are declining. Home ownership rates of people under 35 are plummeting. I've got some information – this, I hope, will be a helpful reference. I just couldn't get it updated before the PowerPoint presentation was due. It's statistical information.

Outside of the anecdotal analysis of trying to figure something out, we look at, for example, this project – Legacy Trail Apartments – is an \$18 million project. It's going to have a \$14 million loan. We don't borrow those kinds of funds on hunches or guesses or theories. We borrow those and make determinations on data. And one of the things I think is helpful for you to consider is, if you look at the City of Norman population growth – and these are all off the Census Bureau website. You can go on there. There's a big table for Oklahoma and compares it to national, and that's where these numbers derive from. The 2010 population from that census for Norman was 110,925. The Census Bureau projected that Norman's 2012 population was 115,562. If you average just that period of time growth rate, and it's actually fairly consistent if you broaden it out, that's about a 1.7% growth rate. I think if you actually were able to update the numbers in a broader period, it bumps up to about 1.8 or 1.9%. But looking at that compacted period, it's 1.7. You can go down to the 2000 census number – again, that's a number 95,694. So, what you can see is, from 2000 to 2012, you had an increase in your population of 20.8%. That number is actually 1.73. The Census Bureau actually tracks housing, as well. So you had renter-occupied housing units of 17,393 in 2000 and you had a vacancy rate on all rental housing – and that includes single-family rentals, not just multi-family – of 8% and that's pretty consistent with national numbers, as well. In 2010, again hard numbers based on the actual census, the units had increased to 20,238 and the vacancy rate had actually declined from 8 to 7.2% with the addition of 2,845 rental units. So I look at that and say there obviously is a tipping point somewhere but we're not at that yet. When you'll see that tipping point is when those vacancy numbers start to tick up. If you project out – and I think this analysis is important as well, because it paints the picture. If you have 1.7% growth rate, then that would mean you would have added, based on their estimates, 1,964 people in 2013. The City of Norman issued 426 single-family building permits in 2013. The average household in Oklahoma, according to Census Bureau, is 2.55 persons, so that means in Norman likely added 770 households in 2013, but only built 426 new homes. So that leaves a difference of 344 households and those households, I would posit to you, are renters – new renters. And you just back that number to look at 2012, it would be 745 households but only 414 single-family building permits – another gap of 331 units. So in 2012 and 13, you added an estimated 675 new households to Norman that came to Norman and rented. And that's reflective of national trends as well.

We've noted some of those, as well. Home ownership rates by the end of 2013 had dropped to 64.9%, which is the lowest since 1995, from the high in 2004 of 69.4. Home ownership rates for everybody are declining. Oklahoma's are actually a little higher at 67% than the national numbers. Home ownership rates for people under 35 have dropped to 35.9% from a high of 43.6%. And this is what you see in a lot of the articles – in a lot of the industry articles – millennials simply aren't buying houses. They're burdened with student debt, wages are stagnant. In 2007, just to put some more history on it, the City of Norman issued 419 single-family permits. In 2008, it issued 564 single-family permits. In 2011, it declined to 357. So one of the things about Norman is it is incredibly steady and consistent. It's incredibly steady and consistent in its population growth and it's incredibly steady and consistent in its single-family building permits and it's incredibly steady and consistent in the gap that exists between those two, which I think are fairly presumptively renters. So, as you contemplate the question of more apartments, I hope this data proves useful to you in thinking through that as you evaluate the projects.

Lastly, I want to close with what I think is unique about this project is there are a couple of unique things. One we've talked about, which is the bike share program and getting that expanded further out into the City of Norman. The thing that's fairly unique is we want to tie this into the whole aesthetic of Legacy Trail, so the people who are developing the commercial part in front and our group have agreed to partner to buy two pieces of public art to be placed – one probably right about here on this walking trail spur and another one closer to the entrance, and we're looking at doing bronzes. They're on the scale – and a lot of people see – it's a prairie grass structure that's in a roundabout on the east side of Norman. That's sort of the scale that we're looking at and budgeting. So the public art that ties into Legacy Trail, and the suggestions we've got are to tie it into thematically the aesthetics of the bridge. This bridge is also unique in that it has a lot of – unlike bridges of the past that ODOT used to build that were

just bridges – this has some nice artwork, some reliefs that are in the side of the bridge. So we're going to integrate that on a consistent theme for those two pieces of bronze to keep the Legacy Trail theme going. Legacy Trail comes up, if you're not aware of it, and in the future plans it hits 36<sup>th</sup> Avenue and then it will run to the north to what, hopefully one day, will be Ruby Grant Park when that develops. So we want to see that Legacy Trail theme consistently at least come up now to 36<sup>th</sup> and Rock Creek and be prepared to shoot north to the Ruby Grant Park and we're going to do what we can to facilitate that.

The last thing I just want to – sometimes it gets lost in the discussion. What are the benefits? We've talked about some of the non-financial benefits to the City – the public art, the bike share program. Some of the financial benefits to the City I think are always important to consider when you're evaluating projects is the building permit for this project is going to be north of \$500,000 into the City's coffers. We always try and buy local first on materials. Approximately 65% of the project cost is materials. That's \$780,000 in sales tax revenues, a good majority of which will come from local purchases. We always try and go local first. Currently, this 19.3 acres generated \$76.05 to the County treasury in ad valorem tax revenues in the past year. The new tax bill on just Legacy Trail Apartments, without taking into consideration the commercial part on the front, is going to be – a round number is \$268,000 annually in ad valorem taxes that supports the schools and the ad valorem recipients as well as the City's bonding capacities. So there are tangible financial benefits.

This site is perfect for multi-family. Staff supports it. There were no protests; no one even came to Pre-Development to attend or ask questions. We ask for your support. I'd be happy to answer any questions that you might have. Thank you for your time this evening. I know you're going to have a long night.

4. Mr. Boeck – Hal, I've got a question. I don't know what the term is, but as an architect I try to design houses that are age-friendly. What are you doing to – you were talking about senior markets, which, you know, that's not just senior markets. If you're designing housing for younger people, they have parents and grandparents that might be a little bit decrepit. So what are you doing with these units to design them to be age-friendly?

Mr. Ezzell – The age-friendly is you'll have a choice. They're not townhome units, meaning they don't have a first and second story within a unit. You can have an upstairs unit or you can have a downstairs unit, and that's your choice. And presumptively, if you don't want to go upstairs, you're going to pick one of the downstairs units and you can have a garage associated with the unit. Typically, the ones that are geared specifically to seniors are all single story, as you're well aware. And this, being a market rate project, we're not gearing toward seniors per se, but they would have a choice of a ground floor unit.

Mr. Boeck – And, again, I'm not talking just about seniors. Young couples have senior parents or aunts and uncles that will come visit if they can get in – if there's not steps – if there's a bathroom that's accessible. How are you designing those units to be accessible for all age groups?

Mr. Ezzell – They're fairly large – in the world of multi-family, they would be considered large floor plans and they have large bathrooms. It would just be incumbent upon the person to make the decision whether they really need to be in a second story unit or in a first story unit and that would be, in my opinion, incumbent upon them to make a determination. I think if they were in a first floor unit, the floor plan – we have wide halls, etc. – would be perfectly adequate.

Mr. Boeck – That's the kind of questions I was asking. If they're being designed ...

Mr. Ezzell – They are. They're purposely designed. We have overly large hallways. You could turn a wheelchair around in them if you had to.

Mr. Boeck – 3 foot doors, that kind of stuff?

Mr. Ezzell – Yeah.

5. Ms. Pailles – It's lovely and there's a lot of need for apartments where it would be tolerable to raise a child. It's very lovely and it's got a lot of nice features. I do have a further question on what I asked about in terms of being right next to the industrial area. Squinting hard,

I see that there is an auto body shop on Lot 11 there. Body shops mean paint. Paint means solvents. Solvents are things like acetone, which are very hard on your brains, especially if you're a child. And they're also carcinogens. So the question is, is this vented toward the back of their property, which would be right into your windows? Or is this filtered? I don't know whose responsibility it is to find that out, but it seems like somebody ought to.

Mr. Ezzell – Let me go back to the site plan. I think that will help explain it a little bit.

Ms. Pailes – Just the one with the floor plan would work.

Mr. Ezzell – I think so, because the buildings – if you go the way they're oriented. You see the way the buildings are oriented. None of the backs of the buildings are actually turned – the buildings are all angled so there's actually no windows that go toward the back of the industrial area.

Ms. Pailes – It doesn't matter. If you're walking outside on the sidewalk. Somebody should go check and make sure.

Mr. Ezzell – Again, I don't think they're engaging in those activities in their parking lot. I'm sure they're doing those within the confines of their building. And if it's safe enough for their employees to be directly engaged in it – I've not ever noticed a smell.

Ms. Pailes – It's normally vented. I'm just saying – I don't know whose responsibility it is. It would be good if somebody checked.

Mr. Ezzell – That's a legitimate concern, but I don't – having been on the site multiple times, nothing seems out of order, nothing smells, my eyes don't burn. The way the buildings are oriented, I think, will be fine as well. But I can't tell you that I've made any formal survey of exactly who is there.

Ms. Pailes – And I didn't notice that until just now. I apologize for not being prepared.

Mr. Ezzell – Not a problem. Thank you for your question. Mentioning the children – based on our own experience – we look at children as far as -- when we're deciding on amenities – playground age children. We use the demographics that we have. In the Falls at Brookhaven, we have approximately of our units only 6%, maybe almost 7%, have children under the age of 12 in them. And those individuals typically gravitate toward the 3-bedroom units and we don't have a tremendous number of 3-bedroom units – we do have some in here. So we would think that the small children would be consistent with our experience at The Falls, so we would estimate that of the 210 units we would have a unit count of approximately 7% having children, which is why we're interested – the City Parks Department, frankly – they don't consider this a park, per se – it's a trail spur. So they're not going to be adding really any amenities within this that would benefit the residents of the community. They're going to be spending that money in Prairie Creek Park, other than some landscaping enhancements. So we are trying to get permission to put some small feature in that – after we redo the center turnaround – that would be a nice amenity for the residents and anyone walking by, frankly. But that's – just so you know, that's about how many small children under 12 we expect to have.

6. Mr. Knotts – Are you coordinating your architecture with the commercial area in front?

Mr. Ezzell – Yes. We're all doing a common theme. It's all that what we described loosely as French country. The commercial buildings will match. That's one of the things that we had to agree with each other. We didn't want hodge-podge looking – we want a uniform look in here. So if you're driving down Rock Creek Road, the apartments themselves will really not appear any aesthetically different than the buildings you see, to the extent you can even see them. So it is uniform architecture, uniform brick, stone accents on the corners. We're still working through all that, but it's going to be very uniform.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Jim Gasaway moved to recommend adoption of Resolution No. R-1415-61, Ordinance No. O-1415-29 and PP-1415-13, the Preliminary Plat for LEGACY BUSINESS PARK ADDITION AND LEGACY TRAILS APARTMENTS, A Planned Unit Development, to City Council. Tom Knotts seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Roberta Pailes, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion to recommend adoption of Resolution No. R-1415-61, Ordinance No. O-1415-29 and PP-1415-13 to City Council, passed by a vote of 8-0.

\* \* \*

RECESS 7:53 to 8:00 p.m.

\* \* \*

Item No. 11, being:

**11A. R-1415-31 – ELSEY PARTNERS REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM LOW DENSITY RESIDENTIAL DESIGNATION TO HIGH DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF PAGE STREET AND ENCOMPASSING ALL OF PAGE CIRCLE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. 2025 Map
2. Staff Report

**11B. O-1415-19 – ELSEY PARTNERS REQUESTS REZONING FROM R-3, MULTI-FAMILY DWELLING DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 4.19 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF PAGE STREET AND ENCOMPASSING ALL OF PAGE CIRCLE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits
4. Revised Preliminary Site Development Plan (Sign Locations Included)
5. Revised PUD Narrative regarding Signage
6. Renderings of Building with Signage
7. Protest & Support Map and Letters

**11C. PP-1415-9 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY ELSEY PARTNERS (NSE ENGINEERING CONSULTANTS) FOR PAGE CIRCLE APARTMENTS, A PLANNED UNIT DEVELOPMENT, A REPLAT OF A REPLAT OF A REPLAT OF BLOCK 1, MILLER ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF PAGE STREET AND ENCOMPASSING ALL OF PAGE CIRCLE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan
6. Pre-Development Summary
8. Greenbelt Commission Comments

**PRESENTATION BY STAFF:**

1. Jane Hudson – The existing NORMAN 2025 Land Use in this area – currently the subject tract is designated as Low Density Residential. You have High Density Residential to the north. You have Low Density Residential across the railroad tracks. And then you have additional High Density Residential to the south, with a combination of Low Density Residential and University property to the west. If approved, this tract would take on the High Density Residential Designation as well.

The existing zoning in the area is R-3 for the subject tract. You have RM-6 to the north, R-1 across the railroad tracks, R-3 to the south, and then also R-3 to the west. Existing land use is the multi-family to the north, single family to the east, multi-family to the south, and then there's a combination of some single family and University property to the west.

This is Page Circle, kind of going around the loop there. This is the Ray Apartments to the north. This is the area that would be on the east side of this proposal; the railroad track is there in the distance. This is Page Street with current Bishop Landing on the south. This is Bishop Landing there as well. This is the alley that would be along the west side of this proposal, with the single family houses, which are also rental properties, and I believe there's some garage apartment use in there as well. This is at the corner of Page and Trout, which has the single family here at the corner.

They are proposing 372 units, 865 beds. They are providing 888 parking spaces; that is one per bed with additional visitor parking. The parking garage will be inside of the buildings



which house the apartments. There's also a request on this one – I believe you received a copy of a revised Preliminary Site Development Plan. All this does is show the location of two signs that they're requesting; it changes nothing else about this Preliminary Site Development Plan. And then it also includes the portion of the narrative of the PUD which outlines that the development will follow the Preliminary Site Development Plan for all signage. There are also two elevations that show where those signs will be located.

We did receive letters of protest. We did also receive areas of support within the notice area, which brought the protest to 18.8%. With the continued change in the neighborhood – the University has continued to buy property to the west of this subject tract. As you can see, there's the three there on Trout, I believe, are the single family homes that the University does not have control of and are not renter facilities, and then, of course, the multi-family complex to the north, and then there's a single family over there on the east. But with the continued change in the neighborhood component, the University ownership, and the rental properties, this area does support an infill. Staff supports the rezoning request as well as the resolution. So Ordinance No. O-1415-19, Resolution No. R-1415-31 are recommended for approval. I'd be happy to answer any questions you might have. The applicant is here with a lengthy presentation for you, so you can ask them questions as well.

2. Mr. Boeck – Do you have a slide that shows the University ownership?  
Ms. Hudson – I do not. The applicant does.

**PRESENTATION BY THE APPLICANT:**

1. Chris Elsey – It's a pleasure to be in front of you here. I see a lot of familiar faces. We've been trying to get something built here in Norman for some time, so this has been a long time coming. We're excited to be in front of you today.

I did want to mention the Revised Site Development Plan that Jane had mentioned with our signage. She was gracious enough to work with us on that, and so we are submitting that revision.

I wanted to first give you a brief background on who we are. It's my brother and I; we're the owners of Elsey Partners. We are a vertically integrated student housing development company. By that I mean that we have an in-house architect; he's here this evening as well. We design our own properties. We act as our own general contractor. We build them, and then we also manage them. We started in 2005. I went to school at Kansas State University and I currently live in Manhattan. Since 2005 we've been building infill projects around universities. We currently have projects that we're working on just up the road in Stillwater and also in Lincoln, Nebraska – about 500 beds that are going to be coming online this year.

Our big thing is walkability. We feel like communities are better if people can walk places rather than drive places. That's where we build all of our developments; we don't build anything that is not within a five-minute walk. To me, that's what walkability means – within a five-minute walk. And that's why we're excited about this location. That's why we're here in Norman today and why we're in front of you right now is we feel that there are no new student-oriented properties that are within a five-minute walk to the University. So within this five-minute radius you can see you've got the campus, Campus Corner, and also the stadium.

Jane, I think, did a pretty good job in her presentation. I'm going to walk you around. This is our subject tract. Here are the railroad tracks again. Boyd is here running west to east, and then Lindsey is down here. Again, to the south is Bishop Landing. I believe right after us there's the Inland American redevelopment proposal. Again, to the east is the 100-foot railroad right-of-way. This is a shot from Boyd Street looking to the south. The Ray Apartments are to the north. And then back to the west you can see the Sarkey's Center there and the OU campus.

Commissioner Boeck, this is the image that you're referring to – your question about the University ownership. The crimson there is the University ownership. So from Boyd down to Brooks and then from Jenkins over to the railroad track there are 118 parcels, and the red and the crimson are either University or rental properties; the blue are the five owner-occupied properties

in this. This is why we feel like this is a good place to build infill student housing development, is because 95% of this area is associated with the University or student housing.

Here's a site plan of the project. This is actually a complete redesign after our neighborhood meeting. It is a 4.2 acre site – 372 units and it's going to be developed in three phases. We hope to start this June and develop each phase each coming year.

This is the current view from Page Street and the alley looking to the northeast. And this is what we're proposing. I laid these on top of each other. I'd like you to look at that and, from our standpoint we feel like this is an improvement and a benefit to the community. Again, Page Circle currently consists of 26 single-family homes that have been converted to rental homes. All of the property owners we have under contract and they're obviously all supportive of the project. These homes were built in the 1950s and, just as the University has grown, they've transitioned into rentals. We feel like a multi-family project is more appropriate for handling the intensity of use for a college student environment, as opposed to a single-family rental home. I think many of you have experienced this maybe in neighborhoods where you have owners and rentals and there's a conflict there because, obviously, the folks that are renting – they're going to be driving up on the lawn, and not taking care of things like they should be, where an owner-occupied obviously has a more vested interest in things.

I'm going to get into some of our responses to the neighborhood input that we had. Through our Pre-Development meeting, we created a new stair-step building height. So this is a graphic to illustrate that. The facades closest to the street are 42', and then they step up in height. It goes from 42 to 50 to 53 and then 60 feet is the building. The highest portion of the structure would be the parking garage and that's dedicated with the orange, and then those red spots are the stair towers up on top and the elevator shaft. So, to answer your question, I think you had mentioned previous for elderly and disabled folks, the elevator obviously provides accessibility to the entirety of the units.

This is a section of that to illustrate that stair-step building height. As you can see, this is the street way back here and then we're stepping the building back as you get further into the property, the building height increases. So that's how we tried to address the concern from the citizens about the building façade height.

Another thing that came up were the setbacks for the property. They felt like our original proposal was too aggressive with the setbacks, so we've adopted more of a suburban setback where you would see with the proposal you just saw with the Legacy Trail, where you'd have more suburban setbacks. The yellow strip around there – that, I believe, is 26 feet and then we created these exterior courtyards going around the structure and those are 55 feet setback from the street. This is a blow-up of that to really show you how we tried to increase that setback and lessen that façade along the west and southern facades – the west, against the alley, and then Page Street. This is a visual graphic of what that entry courtyard looks like. This is approximately 30 feet wide by 55 feet deep. You're standing on the sidewalk looking toward the structure, and you can see how it steps back. Again, there are seven of these that are surrounding on the west, the alley side, and the southern side of the property along Page Street.

This is our open space diagram. We have 34% open space. In our center courtyards – the southern courtyard here we're going to have an infinity-edge two-tiered pool and then actually up here on this parking structure there's going to be – I call it a sunbathing pool. It's a shallower pool where you could place a lawn chair. By doing those – that was another comment we heard from the community was we didn't have enough open space, so we went to 34% open space. I believe the PUD requires a 10% open space requirement. This is just a graphic to illustrate potentially what that rooftop tanning pool would look like.

Here's that entry courtyard that we also redesigned and, again, it's stepping back. Again, this is 55 feet – this façade back here. That's 55 feet from the street.

Our parking – our garage is surrounded by the structure. It's laminated so you won't be able to see the garage from any of the street facades. We do have one stall per bedroom, which is over 200 more stalls than what the City of Norman requires.

Another concern was the traffic and the egress in and out of the property. We did have Traffic Engineering Consultants conduct a study for this. This study was conducted off our original

proposal, which was at 555 units, and we've reduced it to 372 units. So, even with the study that they did at 555 units, they concluded that "the traffic projected to be generated by the new development is not expected to be detrimental to the operations of the intersections reviewed within this study." So that basically tells us that the street network around the property has the capacity and is designed to support the project and this is not going to have a detrimental effect on the surrounding neighborhood. A big portion of that is that -- again, the reason we're excited about this property, going back to the first thing I said -- people are going to be able to walk places rather than get in their car and drive places.

I wanted to back up and give you a brief history. I don't know how many of you are familiar with our attempt to try to work with and get something built here in Norman. We came back here in 2005. We first pursued the University Falls project, which is kind of caddy-corner from the Mont. There was stiff opposition from the neighborhood here to the south on Tulsa. They basically told us that we don't want this here. You're on the wrong side of the tracks. You need to be west of the railroad tracks. So in 2003 we pursued a project right there kind of to the west of the 401 Loft project, just to the north of Boyd Street. Here's the Sarkey's Center right here, so it's northeast of that. That kicked off all of the City Center Visioning Project process that we've all been going through, and I'm sure many of you are familiar with. Basically, the conclusion from that, at least originally, was that this development was too close to Campus Corner and that we didn't want it infringing on that. With the release of the new draft, I think maybe some of this has been supported. But that led us to where we're at now. Again, we're west of the train tracks. We're south of Boyd Street away from Campus Corner. So we've really tried to -- you know, it's taken a lot of effort to get all these parcels under contract, et cetera. And we've really tried to work and listen to the citizens of Norman and tried to locate -- to us, again, density and these more urban style apartment complexes -- they're the right thing to do if they're in the right place. Hopefully, the third time's the charm here. I think, as we've gone along, I'll admit that I think we're getting better and better with our locations.

This is that original modern design that we first proposed at the neighborhood meeting. And, quite honestly, folks didn't like it. So we went to, again, this more traditional design. Again, we had the 33% reduction in units from 555 units to 372 units. We had more urban setbacks, with just two foot variations, and so, again, we created those suburban setbacks.

I think this is really telling. I don't know if many of you have reviewed the new City Center Form-Based Code. This is the Urban General, which basically specifies what they want apartment complexes like ours to look like. Over on this side, you've got what the Urban General -- so this is what, you know, the City of Norman paid this expert, Mary Madden, who does this all throughout the country and we went through all this long process all throughout -- I think it's been almost a year and a half now. These are the criteria that they came up with. So the max height for a façade -- they want the building right up on the property line -- they call it, basically, this buildable edge. Your max height there -- they do kind of step it back slightly, but it's 82 feet. Again, our max façade height is 60 feet, so we're 22 feet less than what the consultant here in Norman is proposing for Urban General here in the city. Their setbacks are 0, and again our setbacks -- we're at 26 feet and 55 feet. The open space is at 15% and, again, we're at 34%. The parking provided for the number of units and beds that we have on our project -- the consultant would recommend that we would only need 475 stalls and we're proposing 888 stalls. So we're really trying to make an effort to go above and beyond even what this consultant is recommending to try to get this thing -- to try to work with the citizens, to try to work with your community and try to get something that -- we want to be good neighbors and we want to try to work with folks.

This is the urban boundary. This is the City Center. Sean had referred to this earlier when we were talking about the railroad tracks. He's got a good memory. That's correct that this is that urban density that they're talking about and it is adjacent to the railroad tracks.

We're going to zoom in on this little block here. This is Jenkins and Duffy. The City Center plan did not -- it's all north of Boyd. But if we were -- this is me extrapolating it south toward our property. So if you would take this same basically here along the railroad tracks -- and we've got the railroad tracks here adjacent to our property. They're proposing this urban core here. Here

along Jenkins they're also proposing it. And then here along Duffy. So we would basically propose that – you know, you've got the University adjacent here. This is the alley that's coming right through here. So I would propose – if the consultant were to study this area, I would conclude that they would maybe come to a similar conclusion as this.

This is the intersection there. So this is Duffy and Jenkins, so they are proposing right here on this corner – the railroad tracks back here – is to have an 82 foot tall building right here. Across the street is a single story home and there's single story homes over here as well. And all of this is closer to – there's a lot more owner-occupied folks north of Boyd Street and around Duffy and Jenkins than there are around the University here. So these are the two – you know, south of our property is the current Bishop Landing apartment complex and the folks that you're going to hear from next are proposing a project similar to ours. So your consultant is telling you that they think it's a good idea to put an 82-foot tall building right here, and, again, my building right here is going to only be 42 feet tall, so I'm almost half the height of what they're proposing.

I'm going to walk you around the building here. This is from Page Street and the alley. This would be the main pedestrian thoroughfare where most folks would walk. We are proposing parallel parking along the alley. That was a result of the Greenbelt Commission had recommended that. They had also recommended parallel parking along Page Street, but in working with City staff they did not support that, so we removed that. Here's from the southwest. Again, this is the top of Bishop Landing. This is the entry into the parking garage as it goes down, and then this is the parking garage that rises up above it. From the street, you wouldn't be able to see that garage. Here's from the southeast looking back toward the property. You can see all these exterior courtyards as it goes in and out. This is from the railroad tracks. This is Bishop Creek down here; this is really heavy vegetated right now. There's a ton of trees in here. So the majority of this whole façade would be covered with vegetation. And this is from the north. This is looking kind of from the Ray Apartments looking back toward the structure. Here's another shot from the west. Here's the seven exterior courtyards and the entry courtyard. I think that does it. So I'm open to any questions or clarifications.

2. Mr. Boeck – It looks like you've got an elevated first floor. What's the basement? Is that more units? For your last project you had actually sub ...

Mr. Elsey – Yeah. So that's like a garden level. If I can back this all the way up. Here you go. So if you see this garden level here – this is basically where our units are starting here. Basically there's another – there's kind of a half window basically right down here that would be daylighting right here. That's a unit.

Mr. Boeck – What's on the top? Because they show four levels.

Mr. Elsey – This is the upper floor. There would be some mezzanine apartments there, so basically like a two-story apartment. It's kind of like a lofted bedroom. College kids think they're pretty neat. It's got a big window in it.

3. Ms. Gordon – Isn't this City Center code based on being in Core Norman?

Mr. Elsey – The City Center, yes.

Ms. Gordon – Okay. And this is outside the core, right, quite a bit?

Mr. Elsey – Just south of it.

Ms. Gordon – Well, I'm looking at the regulations here and it says determine if property in question is located within the form district. If not, this code is not applicable.

Mr. Elsey – Yeah, I mean, there's nothing in the City of Norman that addresses buildings of this scale. And so this is basically what – I mean, that's why we went through this whole entire process and this whole high density discussion was to try to come up with some set of guidelines to help guide development of this nature. So I'm taking the guidelines for development of this nature and I'm trying to basically show you, okay, this is what we have.

Ms. Gordon – I understand that, but I think my question is those guidelines, it's my understanding, were developed for if you are in the more kind of downtown city thing – not an area where you are basically more residential, which you are – whether it's rental or not, it's

much more residential than core downtown Norman. In which case, once you get into that, then having these kind of super-tall ...

Mr. Elsey – Okay. So you think this area up here – you think this neighborhood here – I want to go back to this picture here. I'd shown you the urban area that you're saying is urban.

Ms. Gordon – I'm saying that's what the City Center Urban General thing you are discussing is saying ...

Mr. Elsey – Okay. So you – is this urban? So your consultant is saying this is urban. There are single family homes all around this thing. There's apartment complexes all around my building. So I'm saying that I think this site is more urban than the site that your consultant is saying that's urban.

Ms. Gordon – I appreciate what you're saying. But if you're going to sit there and say let's listen to the consultant, then you can't go say let's not listen to the consultant and not agree with what they're saying is urban.

Mr. Elsey – Well, they just haven't addressed ...

Ms. Gordon – You can't have it both ways.

Mr. Elsey – They just haven't extended – they just haven't addressed ...

Ms. Gordon – Ah – so they haven't gotten there yet and you're getting ahead of them for them?

Mr. Elsey – Well, yeah. I mean, they haven't addressed this area.

Ms. Gordon – Okay. I just wanted to question. I hadn't heard about that yet. I hadn't looked into it yet and I just saw it and I just wanted to see where we were on that. That's all I had.

4. Ms. Pailles – I feel a distinct disadvantage because I haven't seen the draft of that. So I feel totally disadvantaged here.

Mr. Elsey – I think it's posted on the City website.

Ms. Gordon – It's online. I'm looking at it now.

Ms. Connors – The Center City Visioning Project is ongoing and we do have a draft of the Center City Form Based Code that has gone to the Executive Committee and the Steering Committee for review. Once it went to the Steering Committee we posted it online. So it is online for review. It's certainly not a final draft. We're still working on it and the only thing I would say about what Mr. Elsey is indicating is that there are regulations that they're proposing, even though this area might be proposed that it could be developed at these densities doesn't indicate that it will be. And it, of course, will take many, many years for that form based code to come into reality.

Mr. Elsey – I guess my attempt at providing that information was that's the guidance that so far has been provided to the City of Norman, to the staff, et cetera. I was just trying to call that to your attention – that this is what's out there. This is – we've been going – I mean, honestly, our projects – the past two years – that's what kicked off this whole discussion. That's why I bring up this urban design standard, is because that's the reason we're even – why we're even going down this road and why we've spent the past two or three years even discussing these things is because projects of this very nature. And so that's why I bring it up.

5. Ms. Pailles – I have a simple question. It's 372 units. How many beds?

Mr. Elsey – There are 872, I believe.

Mr. Knotts – Are those twin beds?

Mr. Elsey – Twin beds? No. No. In our leasing, we only allow one resident per bedroom.

Ms. Pailles – So you don't rent to married couples? Actually, you have to rent to married couples.

Mr. Elsey – Yeah.

Ms. Pailles – So actually there are more than one person per bedroom if you have a married couple.

Mr. Elsey – Yeah. With – I mean, predominantly we're renting toward students. And so, with our students, we limit them to one person per bed.

Ms. Pailes – Unless they're married.

Mr. Elsey – Unless they're married, yes.

Ms. Pailes – That plays into the parking and the cars and the traffic. Because there are potentially ...

Mr. Elsey – Yeah. I mean, I've been doing this ten years and, I mean, college students like their privacy. I think the perception out there is that you're going to have apartments that have, you know – it's a two-bedroom apartment and it's got six kids living in it. I think a lot of that perception comes from your experience with single-family rental homes, where they've got a lot more kids. It was originally designed for a family of four and now there's six or seven kids living there. But it has been my experience that people don't over-occupy. I mean, that's why we put one bedroom and one bath is because people value their privacy.

6. Ms. Pailes – So attracting students – what's the price range for your apartments?

Mr. Elsey – I would say in the four bedrooms we'd be about – so this includes everything: cable, internet, electricity, water, trash – we'd be looking at about \$550 going up to, probably for a studio apartment you're looking at about \$750.

Mr. Boeck – So when you're saying a four-bedroom, that's \$550 per room?

Mr. Elsey – Yeah. \$550 per person. Correct.

Ms. Pailes – Do you give students a break? How do you attract students specifically? Do they get a break on rent?

Mr. Elsey – Well, I think really the attraction for students is just the location of the property. Because it's within a stone's throw – I think it's only 300 feet from the University.

7. Ms. Pailes – One last one before the public speaks. The detention pond is under the parking garage?

Mr. Elsey – No. That was in an earlier design. We have since – let me get back to my site plan. It's basically on the north side in this fire lane. It runs along here. It's underground.

Ms. Pailes – Okay. It's totally covered. I mean, basically it's a culvert.

Mr. Elsey – Yeah. Correct.

8. Ms. Gordon – So the traffic impact study and saying that the road can handle that amount of traffic. Is that based on experience or just best case scenario that most of the people here are going to be walking kind of thing? Because, I mean, even if they're walking to classes, if they're mainly students, I mean you still have night time, weekends.

Mr. Elsey – I can have Todd Butler come up here and explain their process in more detail to you. But we had originally submitted – there was a study done up in Minneapolis around student-oriented properties and is how they determine, with apartment complexes, they have a trip generation number, basically. And so for a suburban apartment complex it's obviously going to be different than a student housing apartment complex for your trip generation. So the study that was conducted – you know a technical memo up in Minneapolis concluded that a student apartment is going to have about a third the trip generation that a traditional suburban multi-family apartment complex is going to have. Again, the reason is because the students are going to walk to campus rather than have to get in their car and drive to work every day, because the campus is their work. So, in submitting that to the City, they wanted us to basically – because there are no projects that have parking garages here in Norman that are adjacent to the University – they wanted us to go up and study our current projects up in Stillwater, Oklahoma that have parking structures that are adjacent to the university. So they basically went up there, they studied that, and the trip generation was higher than the Minnesota study concluded, but it was less than the traditional suburban apartment complex. So they basically did a site study in Stillwater. They measured all the cars at our complex. It's a 372-bed complex. They measured cars coming in and out of it over a period of days and came up with their trip generation. So we feel like it's a pretty good accurate number. The staff here that are traffic engineers support the project and support the findings in the report. Traffic is a big deal, obviously, and in our neighborhood meeting, it was probably the number one thing. City staff

was really concerned about it, so we really tried to go the extra mile in making sure we got it right.

9. Mr. Knotts – I understand from looking at this that the existing alley is going to be rebuilt – has to be rebuilt.

Mr. Elsey – We will probably come in and pave it. If we back up, you can see where we've got the parking here, this is actually on our property.

Mr. Knotts – What is?

Mr. Elsey – The parallel parking stalls here. So the existing alley basically runs out here. It's currently just an asphalt alley.

Mr. Knotts – I've been down it.

Mr. Elsey – Yeah. We're going to pave it with concrete.

Mr. Knotts – So paving it with concrete, you tear it all out. All the trees come out.

Mr. Elsey – Which?

Mr. Knotts – All the trees. All the trees in the fence line on both sides of the alley.

Mr. Elsey – I would anticipate the – I was just there today.

Mr. Knotts – So it's a very narrow alley and you're going to have to have emergency vehicle opportunities there. So you're going to take out everything. I mean, when you're building a concrete – I mean, I'm assuming it's going to be curb and gutter.

Mr. Elsey – No, it'd be just a panned alley. So it wouldn't have curb or gutter with it. It's going to be like a V-shaped – a concave alley.

Mr. Knotts – So you're going to have the drainage going down the middle?

Mr. Elsey – Correct. Yeah.

Mr. Knotts – Well, I'm worried about the 60 some odd feet that – with balconies that are a great amenity looking into all of those people across the ...

Mr. Elsey – So you're up on the upper floor with that mezzanine apartment – basically there's three units along here that have a balcony. We put those in there as a response from the Greenbelt Commission. They wanted us to have balconies there.

Mr. Knotts – But you've got windows all along there and so all of that – when you get rid of all the vegetation it's going to be hello everybody. I mean, all those people along Trout that have homes are going to lose all ...

Mr. Elsey – The three property owners there. Yeah.

Mr. Knotts – Well, there are three property owners in residence but there are also – every one of those houses is occupied.

Mr. Elsey – Sure. I was there. I think – I know the two to the south of them, they have pretty heavy foliage trees in their back yards.

Mr. Knotts – Two to the south of what?

Mr. Elsey – The two most southern properties on the south side. So, yeah. I went there and I looked at their yards.

Mr. Knotts – Yeah. Well those people in your apartments are going to be watching their grass grow and their dog poop. I mean it's very close. It's going to be very visible.

Mr. Elsey – Well, from here – I'm not quite sure what our – so we would be – from this façade to here and, let's see, we're 30 – I would say we're probably 50 feet from their property line.

Mr. Knotts – And 20 feet up. And 30 feet up.

Mr. Elsey – And 40 feet up. So that would be like a 1:1 slope.

Mr. Knotts – I don't think so. I mean, you'll be able to see everything in their back yards. I just don't think you're addressing that part of this project that would make it work for the residents.

Mr. Elsey – You don't feel like these exterior courtyards that we added along the west side – that's not addressing.

Mr. Knotts – I'm not worried about those. I'm worried about all the vegetation that you're going to take out to rebuild that alleyway and make it – I mean, it's going to be – it's going to be a significant ...

Mr. Elsey – So you're concerned about the trees on the west side of the alley – that we would remove those trees when we replace the alley?

Mr. Knotts – Yeah.

Mr. Elsey – I'd have to go look at it really closely, but I'm not ...

Mr. Knotts – Well, I can tell you that they're old trees. And so all of their root systems are going to be underneath that crappy asphalt alleyway. So when you tear that up to build your concrete alleyway, you're going to kill them or you're going to take them out. I mean, to me, there's just no saving – because they're not really great trees anyway, but they're fabulous trees if you've got people looking in your back yard.

Mr. Elsey – Well, I'm not – okay, so, one, I'm not for sure if the trees – if you were to replace the alley – I don't know if the trees there – I mean, we've repaired plenty of alleys and the trees have not died along them. So the trees may or may not still be there. I'd have to look at it.

Mr. Knotts – Okay. So you've done a fabulous job on that. Okay.

10. Mr. Lewis – Mr. Elsey, welcome. It's a pleasure to see you again. Obviously, from the design that you're presenting to us that is on our screens, obviously on that screen, you're very responsive to what the community needs are. We have talked about high density development in this city for quite some time. We've talked about it way to the north. We've talked about it north of Boyd. We've talked about it on Campus Corner. We've talked about it everywhere. Quite honestly, I cannot imagine that this is not one of the best locations I have ever seen a high density project that's very responsive to a community's needs and desires than what this project is. Obviously, from a profit margin, taking it from 555 units down to 372, you've just cut into that by 33% being responsive to the community. That's having a parking capability when you have roughly 865-875 beds total and you have 888 parking spaces, obviously that's more than ample. When you have traffic studies done that actually are done in a much higher density than what you have proposed right now, obviously that's going to work. So, again, I appreciate you coming forward for the third time in this city and I completely support your project, because I think it's one of the best that I've seen so far. Thank you.

Mr. Elsey – Appreciate that. Thank you.

11. Mr. Knotts – So I think it's a great project, too. It's not a great project; it's a fair project. I'll just lay it out. I think with this project you have created an island of unsaleable property to the west of the alley on the east side of Trout. It's about 140' deep. You put the University ...

Mr. Elsey – I would think – okay, if this project were to get approved, guys like myself or the guys that are going to come up next – that strip along Trout is going to become very, very valuable to somebody like me. So, to me, it's not an unsaleable property. They just hit the jackpot and their property, instead of being worse – you know, I don't know ...

Mr. Knotts -- \$500,000 – it's a million now.

Mr. Elsey – I'm not sure what those houses are appraised at, but it would be probably double the value, at least, to somebody like me.

Mr. Knotts – So why doesn't someone like you buy those properties and make it ...

Mr. Elsey – I offered that to them.

Mr. Knotts – And make this project go from Trout.

Mr. Elsey – Sure. Yeah. I called the three folks that are the homeowners there. I called them yesterday. I told them about our project. I wanted to try to hear from them firsthand what their concerns were. And that's something that I mentioned to them. I was, like, you know, if this project goes through and it's a success we would have an interest in purchasing your properties and developing another project.

Mr. Knotts – I think you create a widow and orphan situation here because, with the increased population that you're going to be putting on Page Circle, the increased population that Bishops Landing is going to have, you'll never be able to close Trout. The University is the most likely purchaser within – unless you do it tomorrow – of this property. I don't think they can do that and it wouldn't fit a – that's too small a strip to make it work for a large-scale unit.



Mr. Elsey – So the design of that – you couldn't do what we're currently doing. It would have to be a podium structure – so similar to the 401 Loft project. Because your depth there on those lots – there's about 150', I believe, or a little less. I think it's 140. So the depth of that lot, you're not going to be able to fit a parking garage where you wrap it. So you'd have to build a podium structure which is similar to the 401 Loft project where you basically have the parking underneath and then the units above it. So, again, I guess I don't feel like we're creating – I mean, from those three property owners, I think they would be in a very well-positioned spot for selling their properties to individuals like me or other developers, because it is – it's right next to campus. It is developable land and it's – we've already paved the way with high density development right next to it. So I'll just disagree with you.

Mr. Knotts – And I'll disagree with you.

Mr. Elsey – I think it's a highly viable piece of property.

12. Mr. Lewis – I do have one question, and apologies I didn't ask this sooner. I see that there's a lot of green space around the new complex and I know that you have mentioned – and correct me if I'm wrong – to the north there is an underground detention pond which would house gray water. Has there been any consideration given to – in regards to the environment – using that gray water to water the out vegetation?

Mr. Elsey – We haven't gone into any design on that.

Mr. Lewis – Would that be something that you would consider?

Mr. Elsey – Potentially. Yeah.

Mr. Lewis – Perfect. Thanks.

Mr. Knotts – But that isn't gray water in there. It's storm water, right?

#### **AUDIENCE PARTICIPATION:**

1. Stephen Weichbrodt, 1400 Classen Boulevard – I live just to the east of the proposed rezoning area. And the questions that I have is – how many floors is the buildings going to be? I mean, is it going to be 8 floors? I know he said 60' was the height of the buildings. The parking garage was even a little bit higher, as I recall. So my question is what is the height of the finished buildings and how many floors are there.

Mr. Boeck – 60 feet.

Mr. Weichbrodt – Okay. And then the parking garage would be higher than that?

Mr. Boeck – I think he said 80 feet.

Mr. Weichbrodt – 80 feet. Okay. The units on Page Circle – I guess there's 26 lots there, which would accommodate roughly maybe 100 people at the most, if there were four people in each one, and we're proposing a development with going from 26 lots to 372 units, which will accommodate 850 people, or something like that.

Mr. Boeck – That's the numbers he threw out there.

Mr. Weichbrodt – So we're going from 100 – that seems like quite a jump in population for that one area. And, as far as the traffic flow, I know that the railroad tracks on the east – when the trains go through there you're just deadlocked there. If you try to go west to the University to the stoplight at Jenkins and Brooks Street – that's a real long light. It's hard getting in and out of that at certain times. The only place you have to bail out to is Brooks Street or Boyd Street, and those are not real good thoroughfares, either. So I would question the traffic flow. I'd like to see how the traffic patterns would flow. I didn't realize those were available or I would have come and seen those site plans and things. A lot of my questions were addressed previously, as far as how does it compare to the proposal that was done across from The Mont, because that was a very similar type of proposal it seemed like. And, as far as the necessity of the building – I guess the target market is student population. Correct? That's who we're going after. And the student population at the University of Oklahoma, I'm guessing, is about 22,000? Does anybody know?

Ms. Gordon – 27.

Mr. Boeck – 27 – 29.

Ms. Gordon – 27-ish.

Mr. Weichbrodt – Oh, is it? It's up that high? Okay. Well, that was my question, because back when I was going to school it was 20,000 or something. I thought it was still about that and there wasn't a lot of student growth. But apparently there is. So I can see where the need would be there for something like that. That's about all my questions, I guess. I guess my biggest concern is the height and whether or not it's needed as far as the student population. And then I had some other questions concerning the development that's adjacent to it that's being proposed tonight, because that's another 1,000 – close to 1,000 people. I can't remember what it was – 430 units or something. But that's a different proposal. But that seems like a lot of build-up in a small little area to me. That's my questions.

2. Mitch Baroff, 421 Park Drive – I guess my biggest question, and I have not done any preliminary research to understand what's going on here, is that currently there's some zoning for that particular piece of land. I'm not sure what the master plan for the City has in mind for that property – if it's going to be a little more dense or not dense. But I'm in an R-3 area and I think we can get like 28 units per acre on that. And we're talking about, what, 50, 60, 70 units per acre? I mean, is it even close to what the current zoning is?

Mr. Boeck – No.

Mr. Baroff – So what gives them the right to come into our community – even if you lived in the community, I would say the same thing – and not go by our rules – our zoning rules and try to make an area quite a bit more dense than it currently is, because I know just because I've lived in the area for like 25 years, the streets are already tough to deal with and this is just one proposal out of one next door, the one we talked about on Constitution. I think maybe we need a core type of study of outside the core area also to see how we're going to deal with traffic. Because you know the only way out of town is Highway 9, which isn't really great, and it's not going to be improved in that area to the interstate – they're improving it to the east. And getting down Classen is becoming a joke. Lindsey is Lindsey. Boyd is Boyd. Going through residential areas. So, you know, and the look and the density of that building is intense. So I think the City almost has to step back and punt and expand this core thing and do a real traffic study and get real highways around this town, because we just can't handle it. This is a community that's – you know, I've been here 50 years now. I came to college here and it's the same streets that we've had ever since. Nothing has hardly been improved except for section line roads that have gone to four lanes. But, anyway, the rules are the zoning – current zoning. Maybe the master plan allows zoning to be a little more dense. And you can't change the rules. That's my opinion.

3. Pam Faubion Troup, 10200 East Apple Valley Road, Oklahoma City – I grew up in Norman and received my degree from OU. My mother is Olvna Faubion and she owns property on Page Circle. She would be here tonight except she's in the hospital. If she were here, she would proudly tell you that she served on the Board of Adjustment for the City of Norman for many years. My mom and dad started purchasing houses on Page Circle in the late 60s and the early 70s and they now own 11. I, in fact, in college lived in one of those houses. I think it's a perfect location for student housing. It's close to the University. I know the Elseys have worked with the Planning Commission staff and listened to the neighborhood to really try meet and address all of the concerns. I'm here just to voice my mother and my support for the project. I think it's a nice, modern day housing that continues the tradition of student housing that they started. I know the Elseys have told you they have done successful projects in several other cities. It's already a multi-family area, for the most part. And I just hope that you will support this project. Thank you.

4. Angela Atkins, 1115 Trout Avenue – I live with my husband and two children. We own the house and live there. Many of my initial concerns for the development, such as lack of setback from the alley, the aesthetics, the original aesthetics, and the lack of landscaping, have been addressed by the developer and I appreciate the changes they have made. My main concern at this time is the impact of the development on the east side of our property with this project, the Bishops Landing redevelopment on the south, and then OU's ever-increasing development

on the west across Trout. When we purchased the property, I was well aware that OU could one day encroach on our property. It was extremely disheartening to learn of development encroaching from the other side, too. I am also hoping that the lower income individuals and families currently living in the two areas will be able to find suitable affordable housing elsewhere, maybe in the houses vacated by the students moving to the new apartments. The staff comments indicated that this area is now predominantly rental properties rather than owner-occupied so this development will not matter. When we purchased our home in 2001, it was a rental property. However, just for the same reasons that they said this was ideal for students, it was ideal for us. I worked at OU and it is in walking distance to our school at Lincoln, and also, if we had to, to our church at First Baptist Church and all of campus. It was an affordable, historic property that just needed a little love. It had a yard with trees. It was close to my work. It's in walking distance if we choose or need to do so. More of the houses there now are rentals, but it is still a low density residential neighborhood. It still has a residential feel, since most of the houses are still within the number of people that would live in a family. It is not a subdivision kind of neighborhood, but we didn't want that. Adding this development will make it less likely that families and individuals would ever want to rehab the houses along Trout and live there full-time. The main detriment to the neighborhood has not been the renters, but the actual removal of houses, although for now we do have a new grassy park across the street. It can be difficult to live there. It is an older property, so we share our driveway and our garage with our neighbors. The vehicle traffic for cars going to OU or cutting through from Brooks to Boyd can be quite heavy and that, combined with the foot traffic down the alley and Trout, make it crucial that one the grown-ups in our house is outside with our children in the back yard. Despite what the traffic studies say, this will only get worse with the proposed development. There will be more people on foot trying to cross Trout to get to campus and in their cars trying to get to stores and other amenities in this town that people with disposable income like to use. Most of that is on the west side or the north side of Norman and requires driving. Many of them will also work, especially to pay the higher rent required for this property. Those working anywhere off campus will drive. I do agree that there will not be a mass exodus at rush hour, but it will be a constant stream of cars with even more difficulty exiting off of Brooks or Boyd, especially when there is a train. Despite this, the benefits of the location and our house far outweigh the negatives. When I was thinking about this situation, it reminded me of a book that I have for my child when he was a boy. And this is the picture. This is what it makes me think of and this is my concern, because we are getting crowded out.

5. Kathleen Sandefer, 1117 Trout Avenue – I'm the owner and resident at that location and I have lived there and owned it for 25 years. Since Angela stated most of my basic concerns, I'll just hit the high points. I guess my primary concern about the entire development is just the sheer density of the number of people and cars that will be there after it's completed. And I do have to talk somewhat about the other project too, because you can't really talk about one without the other. This would be about 1,500 more people all of a sudden – 1,600 vehicles with young drivers. And that's a little bit different from what you might experience otherwise. The City recognized that the neighborhood character has changed over time and the staff recognized that and that's true; it has. But this would be like a bomb going off. You know, we've gone through gradual transition from more rental homes, more University property. Actually, right now the situation in that neighborhood is probably more stable than it has been for a while. And we've always thought of ourselves as being part of the broader neighborhood on the north of Boyd and even on the other side of the railroad tracks, but now it's as if we're being carved off and isolated and that really concerns me. And the points that Tom Knotts brought up about the property values – I know it's uncertain what that will be, but right now it doesn't seem like leaving one row of houses – it's not very good for residents and it's not very good for development, so what is it – what will it be in the future for people that own those homes? Or own that property, even if they don't live there. So the isolation of that strip is one of my primary concerns. The construction is going to last for three years – can you imagine? Three

years of construction for this parcel. That's a lot of construction to endure. It's not a very good project. I hope that you'll reject it today.

6. Girma Moaning, 208 Dollina Court – As a resident of Norman, a former OU student, and have family members who have recently graduated from the University of Oklahoma, and then my brother will be attending fall of '15, I believe that this is a development that is long overdue for the City of Norman. When you look at it from an environmental standpoint, this fixes a lot of the concerns that people have been addressing, because when I was an OU student I had to drive across town to fight for parking at OU and I always wished that I could have an off-campus opportunity that would allow me to walk both to work and to my classes on campus. There's a huge generational shift going on where young professionals are not looking for cars as their primary mode of transportation. If you look at developments within the metro and around the region that are like this, for example, apartments in downtown Oklahoma City, which is nearly 300 units, very similar design characteristics, you can go there on the street any time of day and the traffic impact is very, very minimal. In fact, I would strongly argue that it's increased because so many people are utilizing foot and bicycle traffic. As far as property value, if you do studies of these as these go in, it drives up the corresponding property values because other investment opportunities can come in and, once one takes place, there's others and we're not utilizing City resources to just continue to spread out further and further and further and put more cars driving further distance on the roads. So I strongly support this development and I think that Norman, being the third largest city in this state, I think that it is extremely long overdue and will provide numerous benefits to the City and to the residents of Norman and the student population.

7. Lyntha Wesner, 616 Tulsa – But I'm going to ask you to use your imagination because I'm actually speaking here for Paul Minnis and his wife Pat, who many of you know because you've served with him on the Planning Commission. Let me read you a bit of what Paul points out. As residents of 1129 Trout for 24 years, we strongly oppose the Page Circle project and, while not thrilled with the Bishops Landing project, it's less objectionable, except for the effects on Bishop Creek's flood plain. And he – the whole thing – I think that people who live here have to look at the whole area of what's happening here. Many of the owners, or the two that have mentioned it, have talked about construction and the problem with increased traffic. I'm going to talk about one of Paul's biggest concerns is the transition in density. One of the foundations of the Planning Department's recommendations is that the area is in transition. True. What it fails to discuss, in my opinion, is the scale of transition. The scale of "transition" of density is staggering. The Page Circle project would increase density from about 80 to 900 – over a ten-fold increase. The Bishop Creeks Landing would go from 400 to 1,100, nearly tripling the density. This isn't infilling; it's in-cramming. The two plans call for 2,000 people on 11 acres; 2,000 people are nearly 2% of Norman's current population crammed into a very small area. The density of the two projects is equivalent to 120,000 people per square mile. This is 10 times higher than the density of Chicago. If Norman wants to emulate such paragons of urban planning as Mumbai, Bombay, Manilla, Calcutta, then these are good plans. Specifically, this density is higher than the density of Manilla; almost twice the density of Calcutta; more than twice the density of Mumbai; more than four times the density of New York City; and about ten times the density of Chicago. The safety issues of the traffic study argues the traffic in and out of the Page Circle project will not have bottlenecks such as morning or evening rush hours. Maybe. What the report does not address are emergency situations. The Page Circle project has only one way in and out and on a small side street. The developers will widen it one foot to the minimum. In an emergency, is this street really adequate for emergency vehicles and 900 residents to get in and out of the complex safely? The proposed fire lane will help, but is it sufficient? I doubt it, because access to the fire lane is still dependent on the alley of Page. One could argue that the alley just east of Trout could be a second backup route, however we have witnessed for 20 years the traffic in the alley during game days, the closest analogy to times when large numbers

of cars try to use the alley and the alley is neither effective nor a safe route when that many cars try to use it. Appreciate your time.

8. Andy Newman, 1210 Woodstock Court – I represent trustees of First Presbyterian Church. We own the house at 403 Page Circle. It's been a great mission project for us for 20 years. It's a transition home. We transition homeless families through that home to hopefully get back on their feet. It's hard to maintain that old home because most of those homes in there are 60 years old, and at least 22 of the 26 are low-end rentals beside ours. Our goal is to find a better home to maintain our homeless project, and all proceeds from this sale will be restricted to that purpose. It's one of our City's biggest problems – is our homeless community. Our town is growing and we need these units. I'm a realtor in this town, as I know Erin is, and this town is growing at such a rate that we need more apartment complexes. One thing I haven't heard people talk about – and you're starting to see it – is these existing complexes are starting to do an awful lot of renovation to be sure they can keep themselves full. So that's good for the City also. I've dealt with these young men on several other projects in this group. I went up to Stillwater and saw their two projects up there – they're excellent. Didn't go to Lincoln, Nebraska – that's a little too far. We haven't talked about the taxing implications to the City and County. This is a \$50 million project, and that is the ideal spot for this. And, by the way, you may not know Tom is a great architect, along with being a great wine producer. There's a concrete alley, Tom, between Jenkins and I think it's Santa Fe right behind Eufaula that I just sold a piece of property over there. Those nice paved alleys with the little V in there – they work great. And if you want to go look at that one, you can. I know that these young men are going to do their best to have a good paved alley back there, with the parking on their property, and will do the best they can for the people that live on the other side. Whether those folks know it or not, President Borren has bought everything down Page now and it's just a matter of time before he buys all that property on Trout. And this project will increase their property value eventually. Thank you.

9. Cheryl Clayton, 503 Tulsa Street – Basically I live on the corner of Tulsa and Classen and if anybody can appreciate the traffic problems in that area it's me, because a good bit of the time the only way I can even get in and out of my house is just the grace of the Norman drivers. And, fortunately, they seem to appreciate the fact that I need to get in and out, but it's hard to do between two lanes. What brings the neighborhood out against the Elsey projects every single time is the sheer mass and scale of it. And I don't think any of us would contest the fact that that might be a good area for an apartment complex. If you look at the Bishops Landing project, it's 430 units on 7.4 acres – that's 58 units an acre. If you look at the Page Circle one, it's 372 units on 4.1 acres – that's around 91 units an acre. That's half again as big. It is the mass and scale of this that is so objectionable. If the developers at Bishops Landing can make a project viable at a much less scale – something that's more acceptable to the community, then surely the same thing could happen here. Thank you.

#### **DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Ms. Pailles – I have some figures that relate to some of the things asked by the audience. One of the keystones here is student apartments. If they're student apartments, it's walkable. That makes the traffic less of a problem. Okay. In 1984, OU had 22,000 students. In 2014, it had 24,000. That is students on campus, not total – and this is from the OU Fact Book. So we have increased 2,000 students in 30 years. In the last couple of years, between 2009 and '10, there was a decrease of 0.5%; between '10 and '11, there was an increase of 1.4%; between '11 and '12, an increase of 1.1%; '12 and '13, a decrease of .9%. 80% of OU students receive financial support. Can they afford these nice apartments? I'm not sure. The student body does not grow that rapidly. I'm not saying students wouldn't live here; they'll move out of other apartments, perhaps – perhaps not. Perhaps we will have a more varied group of people, not just students. In recent years, 2012 – 930 multi-family units were added to Norman; and 2013, 260; and 2014, 925 units were added. We have no dearth of apartments. In fact, in 2012 one of the things in the Planning packet commented that the City has already met its projected quota for

apartments estimated for 2025. And estimated need was for 1,742 multi-family units and we had already added, at that time, 2,121. We don't need these apartments. They may be occupied. Students don't need them. There aren't that many students. They are hopeful that enrollment will increase next semester, but we can't count those students until they get here. Okay. So perhaps we have at least 900 people. That's a fair estimate for the Page Circle Apartments, should they be built. And that is a massive scale. It is. That's two times the density of Calcutta. That's a lot of people. And they all have to drive occasionally. Maybe they can walk to school. Fine. As I said, 80% of the students have financial aid. Most of them work. So they walk to school but they've got to drive to work, got to drive for groceries. You show me a 19 year old male with a car and I'll show you driving. I walked around Page Circle and counted; there are – there's 21 units there; there were 36 cars. So, yes, they are close. Now, that's good. The cars were there. Maybe they'd all walked to class, but they have cars and they drive them.

Okay. So is that going to be a problem? Well, the moving forward draft appendices for transportation in Norman – now, none of these figures address Page Circle/Trout because those were not part of the study. These address other streets that they would need to take to get out of this area. These are places that have recognized difficulties. These are things that are going to be addressed at some point. These are traffic snarls that are on the list to be addressed. However, you have Boyd to Brooks noted at peak failure. You have Constitution, Jenkins to Classen – that's a bit south – nearing capacity. You have Miller to Boyd nearing capacity. You have Flood to Chautauqua peak failure. We have Classen to 12<sup>th</sup> peak failure. Jenkins to Classen peak failure. Asp to Jenkins nearing capacity. This is not the time to add more people to this area. There may be a time to do that; this is not it. First, we need to solve the problems we've got and the problems are in a City document. It would seem you solve the problem before you add the people. This is a huge number of folks to stick on these streets that are already failing.

So do we need the apartments, in terms of students? No. Can we plan on students actually being there? Not necessarily. Can we plan on them walking everywhere? It's relatively unlikely. Will they have an impact on the traffic? Yeah. I think so. Then there are some other issues. Okay. No need. Not this time. And perhaps not this place. I admit to being totally knee-capped by the draft proposal; I did not know about that. I apologize. But, again, this is outside the area. There was a comment in there that this is outside the area of Campus Corner that they had previously attempted to build in, but on May 27, 2013 committee members voted to table high density zoning, et cetera, et cetera, until the visioning had been completed for Campus Corner, downtown, and surrounding neighborhoods. So – I mean, the visioning didn't end with commercial area in Campus Corner. Do I have to stop? I have some more to say.

2. Mr. Lewis – I will just reiterate again that we're looking at a development that has been very responsive to our community, has tried three times – this is its third time – to bring a development of this magnitude to the University of Oklahoma. As it being perfect – 100% – nothing is perfect. No developer can get everything 100% perfect. Are there things that could be changed? Absolutely. Very minimal. One of the things about the coming and going of automobiles is this is a student complex; we're not going to see a mass outflow or inflow of vehicles. The majority of the students, again, Mr. Elsey clearly explained is within a five mile walk to the University. Many students will be walking. As the gentleman spoke a moment ago of graduating from the University and your brother, I believe you said, is coming to the University. I, as well, graduated from our great university and it would have been a pleasure, instead of living down on south campus, to be able to live within a five mile walk to the University and leave a car and not have to have the challenge of the parking that has greatly improved at the University, but still is a challenge. So, again, I think Mr. Elsey and his group has brought forth a great project for our community, has been very responsive to the community's needs and desires of what it wants and needs to look like. Can it be perfect? No, it's not perfect, but it is pretty darn good. So thank you again for bringing it forward.

3. Mr. Gasaway – It's my understanding from the presentation that this unit holds 865 beds, so at least that many people will live there. Let there be no mistake about it, this is a college dormitory. 865 beds is larger than Adams Center, one of the 12-story towers on the OU campus. It is not as large as Walker Tower, but it is larger than Adams Center. So in the middle of an area that has a lot of residential activity, we're being asked to plant a college dormitory. And for those of you that think that college students don't drive, go stand around Walker Tower and Adams Center any time of day or night and watch the traffic. College students may not necessarily drive to campus, but they do drive everything else that's more than five blocks away. I have a college daughter; I promise that's the case. And we're asking everyone in this college dormitory to exit down Trout Street, which is a two-lane street that we're expecting to handle that amount of traffic. It's not built to handle that and the streets that Trout feeds onto are not meant to handle that amount of traffic. Kind of in the background I hear our former colleague Paul Minnis talking about tearing down a residential neighborhood. Granted this neighborhood over the years has changed from owner-occupied to much rental, but all of us have rental property in our neighborhoods. They are still residential neighborhoods. Rental property does not change that category. Those people are residents also. And those are affordable houses that college students or college students with families are able to live in. And we're talking about tearing those down. My last comment is I always try and think about what people in the area, even outlying the designated impact area, see. People for miles away – this is probably as tall as a six story building. I mean, it may not have six stories, but by the time the parking garage bumps it up from the bottom and the top, it's about that tall. People from miles away – that will be their view. I used to live west of campus and when OU built the Elm Street parking garage we fought that tooth and nail and lost. It's not a bad looking building. They did an outstanding job. But when you walk out on Cruce Street and look down there, you're looking at a five-story brick wall. That's what you see is a brick wall in your neighborhood. So, for those reasons, I'll be voting against this project.

4. Mr. Knotts – It is pretty brick, though. I'd like a point of clarification if I could. There are three phases. What are those phases? Are they areas?

Mr. Elsey – There would be three phases on the development. Let me get to the site plan here. You can see the line here; this is the phasing line. So phase 1 would be this portion of the building, and we would build 60% of the parking garage with phase 1. So we would build basically the lower floors. We'd finish out this courtyard with phase 1. Phase 2 would be this section here, and we would finish out the rest of the parking garage, which would be approximately 60% of it. And then phase 3 would be the section along the railroad tracks.

Mr. Knotts – So you think you can build phase 1 in one year and move in?

Mr. Elsey – Yes. We just did it in Stillwater.

Mr. Knotts – Okay. Thank you.

5. Ms. Pailles – You can't look at this without looking at Bishops Landing, too. Just a point of clarification. It's not Bishops Creek that it's on – that is a tributary to Bishops Creek. The two together across a relatively narrow street, which is Page – it becomes a cement canyon. I'm from Phoenix; I'm familiar with cement canyons. And the question is, is that something we in any way want? Density has its virtues; it makes full use of your infrastructure, your streets, and your underground pipes are full. But I don't know that that obviates every other consideration. There's a city north of us – nobody wants to live there; they all want to live in Norman, which has the atmosphere of a town. You can choose to maintain the atmosphere of a town; you don't have to default to city densities.

*Chris Lewis moved to recommend adoption of Resolution No. R-1415-31, Ordinance No. O-1415-19 with the amended site plan showing sign locations and amended PUD Narrative addressing signage, and PP-1415-9, the Preliminary Plat for PAGE CIRCLE APARTMENTS, A Planned Unit Development, A Replat of a Replat of a Replat of Block 1, MILLER ADDITION, to City Council. Roberta Pailles seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Chris Lewis
NAYES	Roberta Pailles, Erin Williford, Sandy Bahan, Dave Boeck, Jim Gasaway, Tom Knotts, Cindy Gordon
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion to recommend adoption of Resolution No. R-1415-31, Ordinance No. O-1415-19 and PP-1415-9 to City Council, failed by a vote of 1-7.

\* \* \*

RECESS 9:38 to 9:45 p.m.

\* \* \*



Item No. 12, being:

**12A. R-1415-40 – INLAND AMERICAN COMMUNITIES ACQUISITIONS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM FLOOD PLAIN DESIGNATION TO HIGH DENSITY RESIDENTIAL DESIGNATION AND FLOOD PLAIN DESIGNATION FOR PROPERTY LOCATED AT 303, 333 AND 403 E. BROOKS STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. 2025 Map
2. Staff Report

**12B. O-1415-27 – INLAND AMERICAN COMMUNITIES ACQUISITIONS, L.L.C. REQUESTS REZONING FROM R-3, MULTI-FAMILY DWELLING DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR APPROXIMATELY 7.36 ACRES OF PROPERTY LOCATED AT 303, 333 AND 403 E. BROOKS STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. PUD Narrative with Exhibits A-E

**12C. O-1415-28 – INLAND AMERICAN COMMUNITIES ACQUISITIONS, L.L.C. REQUESTS CLOSURE AND VACATION OF THE EXISTING PUBLIC UTILITY EASEMENTS LYING WITHIN BLOCK 3, MILLER ADDITION, A REPLAT OF BLOCK 3, MILLER ADDITION.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report

**12D. PP-1415-12 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY INLAND AMERICAN COMMUNITIES ACQUISITIONS, L.L.C. (HUITT-ZOLLARS, INC.) FOR UNIVERSITY HOUSE NORMAN ADDITION, A PLANNED UNIT DEVELOPMENT, A REPLAT OF BLOCK 3, MILLER ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF PAGE STREET AND WEST OF BNSF RAILROAD RIGHT-OF-WAY.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan
6. Pre-Development Summary
8. Greenbelt Commission Comments

**PRESENTATION BY STAFF:**

1. Jane Hudson – The application before you is this subject tract. This is already designated High Density Residential for a portion of the tract; actually expanding that High Density Residential Designation and pushing the floodplain over so it would look like this if approved.

The existing zoning in the area, as you see, to the north is the R-3 which was the Elsey application that you heard. To the east is R-1. To the south is University property; it's technically unclassified as far as zoning is concerned. To the west is R-3.

Again, the same land uses. To the north of this one is the single-family homes. To the east, across the railroad tracks, single-family. To the south is the University parking lot. To the west is, again, single-family as well as University-owned properties.

This is the site itself, Bishops Landing. This is from Brooks. This is along Page, the single-family on the north and the project on the south. This is the creek area on the east with the apartments across the creek. This is at the northwest corner of Trout and Page – University property. The same thing here. This is at the corner of Trout and Brooks with some additional area that the University has purchased. This is the parking lot that's across Brooks to the south. And this is the duck pond area.

Sorry. These were out of order. I need to get back to the protest slide.

One update – the Park Board did vote 7-0 for fee-in-lieu of land.

There is also the same process for this application. They actually had submitted on their preliminary site development plan originally a layer that noted the signs. When they revised their site plan to change some of the surface parking, that layer didn't get turned back on, so there's no changes to this; it's just noting the locations of the signs, which you did see already included in their PUD Narrative.

We did receive protests, as you can see from the protest map. They were across the railroad area, which came to 1.9%.

Again, with continued change in the neighborhood component, University ownership, rental properties, staff does support this resolution and rezoning request, Ordinance No. O-1415-27 and Resolution No. R-1415-40. I'd be happy to answer any questions that you might have. The applicant is here with their representative with a presentation for you as well.

#### **PRESENTATION BY THE APPLICANT:**

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I'm going to try to move quickly. We've talked about a lot of this area, obviously, already. I will try mostly to contrast and compare so that you hear the differences and we don't reiterate. I'll do the best to do that.

First, I just simply want to mention the word "sprawl". Sprawl. We hear it here all the time. I see it on blogs all the time. I hear it in our debates all the time. Some of the same speakers you just heard up here a few minutes ago constantly talk about it and how we need to deal with sprawl. We can't talk about sprawl and dealing with sprawl without talking about the anecdote for it. And the anecdote for it is density. And density in areas where we can put it. Areas that can accommodate it. Areas that make sense for added density in the center parts of the city. Because without that, then we will continue to debate sprawl. And we can debate growth or no growth; that's a different debate. We can debate whether we have it at all. But if you want to talk about sprawl and dealing with it, we then have to talk about where we put density, where it's appropriate, and where it works. So I want to couch the debate in that manner. I do appreciate Cheryl Clayton's comments that this one is quite a bit a less dense than the last project.

First, let me just introduce the applicant. The applicant is a very highly experienced applicant and they're here with me tonight. Mr. David Pierce, Mr. J.R. Thulin, Mr. Kelly Dwyer is here, their engineer Dean Collida, and our traffic engineer as well. So all here tonight. They've come a long way. I know Dave is not feeling well. He was going to speak tonight, but I'm not going to ask him to do that because you're going to hear his cough. But they are heavily experienced throughout the nation. They have roughly about \$9.8 billion in assets. You can see a flavoring of their projects all over the country. This is a heavily experienced applicant, not one that has just done a few projects, but that has done many, many projects throughout the country.

That's the site. You're familiar with it, of course. I do want to mention, though, that we were in a meeting – I think it was a plat review meeting that we call it here at the City – not long ago – a few weeks ago. I know we don't know anything about this, particularly, but I know Mr. O'Leary was in that meeting and it was mentioned that OU has mentioned at least – and that's probably as far as I can go with it, because I don't know much about it, but in this meeting it was said that OU has mentioned the possibility of, I believe – and I'll be happy if Mr. O'Leary corrects me – but I believe it was a four-story parking garage to occur at some point in the future between Trout Avenue to the west and north of Page Street, which would be right there if you watch my pointer. Would be catty corner to our property. So very little I know about it, but in a meeting it was said that – and it was said because the question came up as to whether we need to plan to deal with that structure or not. The decision was at this time, as I understand it, no, because it was outlaying into the future and we're not sure when or how that develops. But that was something that you need to know about, because I think that factors into this discussion. If OU is going to put a multi-story parking garage catty corner to us, then really is there much left to preserve in this immediate corner of Trout and Page if that is to happen and if that's true? We know OU has been buying up virtually everything over west side of Trout –

significant purchases and growth of OU into that area, so I think it's quite likely that OU will be, at some point in the future – it could be ten years, fifty years – it could be two – I have no idea. But I think it would be quite likely that OU is to do something, perhaps all the way over to Trout and so I think that's the context you need to be thinking about these projects in – is what happens just west of Trout. Because I don't think it's foreseeable that what happens is it stays as it is.

Of course, we're very close to OU. One contrasting point with the project that you just looked at to the right of us is we are surrounded on all three sides by public roads. And one of them, Brooks Street, is a collector street with bike lanes. And right across the street from us is one of the two primary hubs for the CART system – immediately across the street from us – right out our front door. You see it to the left there. And you see the commuter lot right there to the left as well. That's how close we are to the stadium. That's how close we are to the Energy Center. And, again, that quadrant right there – vague is all I have, but is my understanding OU has something in their mind at least for a significantly large facility on that block.

That's the site. Another contrasting point here is this is an apartment complex, and it is an old apartment complex. No offense to its owner or anyone else that has maintained it, but it has been there a long time. It's probably seen its day to some degree. It is two and three stories. It's a variety of different structures. It's about 7.36 acres. It's about 50 years old. 261 units; 340 beds; 2 and 3 story. You can see it comes right up close to it. One of the things I want you to notice – and Commissioner Pailes, I would hope you would distinctly notice this, but this site actually encroaches out into the BNSF right-of-way. If you want to see some survey problems – if you've ever seen a bad survey – I know, Commissioner Knotts, you've seen them and a lot of people have. This one is a nightmare. There are encroachments across the property line into the BNSF right-of-way. That parking lot is sitting on it. There are encroachments out into the right-of-way of this parking lot out into Trout – it has parking spaces sitting in the right-of-way.

I'm going to show you in just a moment – you have seen 2025, but this is something that's very important for you to consider with this property. This property is, from a survey standpoint – from a public facilities standpoint – from a floodplain standpoint – it is a mess. If you look at that slide, you see the light blue. The light blue is the existing floodplain. Those buildings are in the floodplain. In the floodplain. Six different buildings in and on top of the floodplain. That's not supposed to happen. We don't like that. That's not good. It's not good public policy and it's a dangerous condition. If you want to talk about impediments and obstructions to water flow in a flood situation, that's it. Right there. Covers the floodplain. And we have many other problems. We've talked about the encroachment into the BNSF right-of-way. They have encroachments into the public rights-of-way on the streets. We also have sewer lines and easements going under buildings. See all these lines? That's a main sewer line; public sewer line going right under the building. I don't know what happens if you ever have a problem with that sewer line. I don't know how you're going to deal with that. You're going to rip down, probably, an entire apartment building somehow to get to it. There's no easement for it, either. There's another one – another sewer line going right up under a building with no easement. This is a storm sewer line coming under buildings over here; no easement. We have significant, significant problems on this property in terms of its floodplain and its utility systems. Significant problems.

This is what we're proposing – a much different situation. What we're proposing is a situation that basically completely reconfigures that floodplain in a much better, improved condition. And we've done it very sensitively in that we've taken the large open space and we've put it to the east. You realize where the only two protest signatures were were on the east. They were right over here. We have taken the building as far away from them as we possibly can. We've taken the building to the west. We've taken the building where, again, likely OU will be our neighbor to the west. OU owns a number of the houses in the block immediately to the west of us. OU owns much of the block catty corner to the northwest of us. So we've taken the facility and put it to the west end toward the campus end – toward the end where OU has been growing and accommodating property. The proposal is to change from R-3 to PUD and the PUD allows us to do the densities you heard – I think Cheryl Clayton mentioned the densities per acre. We are basically adding an additional about 600 beds over what is there existing. Really a pretty incredible impervious amount – 49% impervious; 51% open space. We

are reducing the impervious ground on this property – reducing it. I never get to tell you that. I don't know a time I've ever really gotten to tell you that, but that's what we're doing here. That's a contrasting measure to the one to the north that is taking significant backyards and so forth and covering them. This is reducing the impervious area. This is a one-phase construction. You do not have to worry about if we build one phase and we have an exposed parking garage and it never gets done. If they don't get financing, you don't get the absorption rate and it sits there. That's not the case here. This is one project; one completion; one in and one done. A significant park space, and this is really a key feature of this project is that we are opening up this park space as available to the neighbors, to the area, and it's a continuation of – you see the duck pond below us. It basically is a continuation of that and Greenbelt Commission was incredibly highly praised of this situation. We do not anticipate – plan – desire at all to deal or change with that flood channel. We are going to touch it as minimally as possible. That is not the plan. There are no plans to build over it or to do anything on it. And to take you to the point of how sensitive this particular developer is, you see the fire lane – the one fire lane they have right here – they have proposed that in a product called grasscrete, and I should have put a slide of it on the screen. But if you've ever heard of that product – grasscrete – it is basically, if you could imagine, a checkerboard and the checkerboard is concrete and grass. And what it is, it's a product that, when you look across it from a distance, it looks like grass – you don't see the concrete because the grass has grown up through the different patterns of the concrete. But it is built in a way that will support a fire truck. So it's a really incredible product. It's an expensive product, but it can be done so that then when you're looking across that landscape it looks like a field, but it can support a fire truck.

Some of the key features here on this is we're lining up – it doesn't quite show it that way there, but we're basically having an entryway right here that lines up with the CART entryway across. This is that CART hub right there. So right out the front door of this – this is the main lobby area – the main leasing area – parking area so that guests that are coming to consider leasing can park out front. That's a little different than the project you just saw where they have to figure out how to go into the parking garage. This one has its own welcoming surface parking lot out front. But very importantly is that right across the street is CART. I'm going to show you a slide in just a minute that shows you a little more about that. We, too, have walk-up units. You see the little sidewalks right here that walk up to units. You don't have to come into the main building and circulate around within for all of the units. For the ones that are down on the ground floor, you can access from – you see all around this property has walk-up units within it. We have three different courtyards – one right here, one right here, and then a main one over here where the main pool facility is and a main clubhouse area is right here off of this edge. You can see the parking garage is completely shrouded, right there. The parking garage is in the middle. It's similar to what the other proposal is. That's similar also, I should mention, to Millennium project. You recall the Millennium project that got approved – it's under construction right now. It's at Lindsey and Classen Street. That is an example of a project relatively similar to one of these that is five stories with a parking garage in the middle of it. And it's not very far along yet – you don't get a good sense of that yet, but you will. You will see how that works in a very short order period of time. So that's basically the site plan. Tremendous amount of open space on the right side of it, a CART hub to the south of it, very likely OU ownership and long-term to the west of it.

That's the context, again, and you can see the number of parking lots all around it. Again, very likely, perhaps long-term – we don't know. But very likely in the future everything to the west of this will be OU and could be a significant size facility up here – not entirely sure. But, again, you see the massing is to the west, so the massing is to the west. The open space is to the east so that we protect the neighborhood such as Lyntha was talking about and places like that.

These are the elevations. You can see we did a great deal of articulation on the property. You see the masonry across the bottom. This is the leasing center right over here, so this is the Brooks Street elevation. I'm going to show you in just a moment the streetscape that will happen across the front of that. We have quite a bit of in and out on the facility. We have

towers on the ends to kind of cap the corners of the facility. This is the Trout Street elevation – treeline. We talked about different types of trees that we can put in these facilities that will work along those streets. And we get to some three-dimensional imagery here in just a moment. That's the Page Street elevation. Again, some ins and outs. This is the east elevation. This is facing that park, so this is not up against the railway. This is looking down into that park area that is available for everybody to enjoy and live with. And there is a view from above. You see the park area again over here. This is the Brooks Street elevation.

But I think what you really probably should consider is from the ground. This is what you will see from the ground. This is the imagery of the property. This is the corner view from Page Street and the park so you're up on the north. To the right of us would be the Elsey project. To the left of us is the park, so the park area is over here and this is the leasing center right down there. This is the corner view from Brooks Street and the park, so to the right of us is that park, again – basically the large open space that sits off the east end of the property. This is the leasing center right here and that parking lot where you can come in – pull in, check and see if you really want to lease this property or not. This is the tower element that looks down into that parking area and out onto Brooks Street. This is the corner of Trout and Brooks, so right here is Trout and Brooks. Of course, I think many people have tailgated on game day right up and down this street. This is really, in a lot of ways, to pay homage to that, and you can see we anticipate large pedestrian plazas of sidewalks right here that come right up to the curb. I believe they are about 18 feet wide planned in that area and, indeed, there it is. So you see what they planned is a large pedestrian promenade on Brooks Street and then carries up Trout as well. You see these spaces that come out – the walk-outs onto the space. We, too, as many properties now do this, we will have a bike share space within the facility itself. And then what we're going to offer is a public bike space there; if the City of Norman or OU at some point actually embarks upon public bike share program, we are happy that they put it right there, because right across the street is the CART hub station.

Amenities. I won't bother you too long with this, but basically everything you typically see – pool, fitness center, grills, computer lab, very high-end finishes, computer fully videoed surveillance and controlled access security.

This is the unit count. I do want to spend a few seconds on this, in that this is one that has a great deal of variety. About 67% of the units are one and two bedrooms, not the completely four-bedroom units that you see on a lot of these student housing projects. This one actually spends a great deal of its unit type on one and two bedrooms you see right there. And then about 7% of its four-bedrooms are the townhome units, where there would be two bedrooms up and two bedrooms down. So it would be a townhome arrangement, not four bedrooms around a common area, but two up and two down. Only about 5% are three-bedroom, and about another 20% are four-bedroom. They do show parking as 1.8 per space. They have really a tremendous track record around the nation to show you that this works at that rate. But that is what they are used to seeing throughout all of their properties. Actually, that is in excess – quite a bit in excess of what they're used to seeing in a number of their properties.

LEED or NGBS. I don't want to spend too long on this, but they will move for a certification of the building. This is important to them. This is something that they do on properties. Some of you are probably familiar with LEED. NGBS is actually the National Association of Homebuilders standard that is similar to LEED and NGBS is more attuned to residential projects. So it's more attuned to multi-family projects. It has categories that you move for certification on. Lot and site development. Energy efficiency. Water efficiency. Some of the examples that they would likely look to in a project like this is low-flow plumbing fixtures, energy efficient lighting, star appliances, HVAC, low VOC paints, things of that nature. And you get credits for those types of systems that you put into your facility and they would move for a certification of one of those two. They have not decided yet which one. They've done both. But they will move for one of those certifications so that we have a legitimately green building and green project.

The green space and the parks – this is really a key feature of this project. This would be the large open space over here. We took this to Greenbelt Commission and Parks. They were

both, I think, pretty excited about it. You start to see the fees that mount on these kinds of projects. This one would develop through the building permitting and the platting, is \$32,000 roughly – these are rough figures – estimates – but roughly \$32,000 in the neighborhood development park funds, which would go to Eastwood Park, which is just to the northeast a little ways. It's a pretty large park up into the neighborhoods northeast of here. They basically pick the closest park is what they do. They find the closest park and move the monies into that. About \$25,000 fee-in-lieu-of would also go to that. So that park would probably see close to upper \$50,000 to go into that park from this project. And then another \$32,000 or so would go to the community park fund, which would go to the regional parks – Reeves Park, things of that nature. They pay for all of this; the City doesn't pay for any of that. They pay to maintain and build and control this open space. The City doesn't pay for any of that. They pay to clean up the floodplain to make it function so that there are no impediments in it; City doesn't pay any of that. We've talked about storm water bond issues and storm water utility fees. None of them would be needed here, because this developer would take care of that and improve that facility. The City doesn't pay any of it.

This is how close we are to CART, and this is something that I would hope you would consider. This is our project, you see on the lower right. That's Brooks Street. And this is CART's map, but right across the street is the transfer station. And then this is CART's verbiage, but they basically say there's a walk of about 10 to 13 minutes over to their other transfer station, which is the Campus Depot. So the two stations that serve the entire CART system – the whole thing – come from right there next to the property. So they have access to virtually the entire CART network within 10 minutes of one station and right across the street to another station. So if there is any ability to use mass transit, this is the best site anywhere – period – to do that.

Bike lanes – I won't spend much time on that, but, as you know, there are bike lane systems throughout – and Brooks Street happens to be one of the actual striped bike lanes. So we actually have a striped bike lane on this street – this collector street and, therefore, it can fully utilize the bike sharing program.

Traffic – We've talked about it. I won't repeat, but I do want to show you what we usually talk about in the vernacular traffic, which is the level of service. And you don't see these very often, but you see AM Peak Hour, PM Peak Hour and the Level of Service is what you see in this column and you see a whole lot of As and you see a whole lot of Bs. You go over here and you see As and Bs. I won't break this down too far for you, but, basically, each of these categories are for our project and for the Elsey project, if it should happen. That's what you see across the bottom. They're basically, if you look at this chart, there is basically one intersection that likely is a problem and we would be funding into it, and it is at Trout and Boyd. That intersection likely needs help at some point from these projects. We would be funding into help that project. And then, again, if OU does something, likely that's another factor into it. But the traffic study found that there were no negative impacts and the streets could handle that.

This is the economic investment. Roughly similar. \$51 million. The building permit – the one collection of checks that they will write for the privilege to build in our town would be \$800,000 and that would go straight into the City coffers. The annual property taxes are estimated at roughly \$650,000. I think that's relevant back to the first word I started with, which was sprawl. We hear all the time that sprawl causes us to cost monies out on the periphery of our town. Well, this one would not, and perhaps those monies then could be better spent elsewhere.

The policies – we've talked about these before. You've seen them. I won't repeat them. But there are extensive policies of 2025 that tell us – instruct us – guide us that we want to support infill development. It's about sprawl. We want to support and encourage opportunities for properties to be put back into the urban area at higher densities. That is a positive planning tool. That is a positive policy, and that's why this one is good.

Greenbelt Commission really had good comments. We're starting to see more comments out of the Greenbelt Commission than we used to. I've been able to show you some of them. They were pretty excited about the east end of this project. You see it. They basically said – they pointed out the positive aspects of the open space that will be available for public

use and the emphasis that has been put toward alternative transportation, meaning we are across the street from CART transit, the bike sharing. We will focus on that. And Pre-Development – We were really shocked. I don't know that I've ever been so surprised to walk into Pre-Development. I could tell you about that night. It was here. They had it in this room, thinking we would have a huge crowd. We walked in and Ms. Hudson was here. I came in with the gentlemen, and there was nobody here. I literally thought I had mistaken the time. I even went to Jane and said what's happening? Where is everybody? Because I thought there would be a huge crowd. We've always had huge crowds on these kinds of projects. There was nobody. As you see from the staff report, there was one neighbor. Well, a few other people started walking in and we said we're glad you're here. They said no, we're here for that southeast Norman project. They weren't even here for the project. So we had one person to come to the Pre-Development hearing for this project. That was it. And they voiced no concerns; they basically said we're here just for information. That was it. And it's been that way throughout this project. We didn't have anybody that I can recall came to the Greenbelt Commission or the Parks Board. The Floodplain Committee nobody came to. So it's been like that really throughout.

So, in closing, I don't want to be repetitive from all the discussion we've just had with Elsey project, but this one has had really tremendous support. And I think the staff's report echoes what I've talked about in that staff said we hear the concerns of expanding infrastructure to the outer edges of the City creating additional strain on the existing infrastructure. This proposal helps alleviate that concern. And it does. And I think we have to decide as a community when are we going to start addressing sprawl? We can't just talk about it and say we don't want it, unless we start dealing with it. And this is a way to deal with it.

Would this one fill up with students? Very likely. It's right next to campus. But as I think one of the speakers said, once it fills up, then the apartment complexes in other places that are filled with perhaps students in those places would rejuvenate, renovate – they would have to to compete, and then they fill up with people that would have gone to the periphery – would have created that sprawl. So this is a positive development. This is what we need in places that can accommodate it. This one absolutely can on Brooks Street looking across the street to the duck pond, looking west to OU properties that are starting to infill in that area. We encourage your support for this one. I'm happy to answer any questions you have. I don't know how much longer you want to be here tonight, but we'll be here as long as you want. Thank you very much for your time.

2. Mr. Lewis – Sean, I do have one question. When is pre-leasing? I might want an apartment in this.

Mr. Rieger – Well, I think 2017 is when they anticipate this project to be open. So please come see us.

3. Mr. Gasaway – Could you address moving the floodplain?

Mr. Rieger – I would be happy to. Actually the engineer is here as well. Let me first talk through it and I'll show you some slides. Flood Plain Management – and I know staff is here as well. The Floodplain Committee chairman, I think, is here, and several staff members. I'll just briefly go over it and then I'm going to ask Dean Collida to come up and talk through it. But we have been at the Floodplain Committee already. We went to the Floodplain Committee at the request of staff. We did that. We had unanimous vote of approval at Floodplain Committee on this project. They saw what we were proposing. Staff studied it. Staff recommended approval. At that meeting – I was taking notes – I don't know if they have it on audio, but I wrote down one of the staff members said "a great example of Flood Plain Management." That was said in that meeting and then the vote was taken shortly thereafter as a unanimous vote. We are improving the storm water management on this site. I cannot stress that enough. I'm going to go into length to answer your question, Commissioner. But I don't think you can look at this slide long enough to look at the problem we have. You see these buildings in the floodplain. We are

removing everything from the floodplain. We are removing residents who are living in the floodplain. We're taking them out of there. We're improving a situation.

Now, I think you've heard – or will hear from people that are saying we shouldn't be allowed to touch this floodplain. I'm going to suggest to you that it should never be the policy of the City to say that we cannot move in and correct and improve a situation. If that is the mantra, then it's wrong. If their mantra is that we should not be allowed to touch that just simply because there's a policy that says we can't touch a floodplain, then it's a wrong policy. I don't think that is the policy at all. We've got ordinances we can go through all night, if you want, to say that. But I think absolutely the policy should allow us to go in and correct that situation. That situation is dangerous. It's a bad situation. It's an impediment to the flood waters in that area.

Now I am going to ask Dean Collida to come up and talk to you – just tell you specifically what we're proposing to do in the floodplain.

4. Dean Collida, Huitt-Zollars Civil Engineering, representing the applicant – The floodplain here, obviously, we've got zoned AE, which is a studied floodplain which has elevations in Zone A, which is not studied because that's basically the end of their study – their effective study. So essentially, to reiterate, we've got six individual residential structures in the floodplain – 120 units – approximately 156 people in the floodplain. In the red area here is where the floodway is. That's the main channel of the floodplain. If you block that, that's your main channel that's really going to cause backwater effect to flood somebody. The floodplain, yes, it's an issue, but that's going to be more of a low-rise, less velocity. In the red, if you're blocking that, you're going to have some backwater effects that are going to affect people up to the north of this. So we have buildings in the floodway. No one allows that. FEMA does not allow that. It's avoided if at all possible. With this situation there is a high risk of property damage and high risk of erosion, because, as things come through an impediment, they're going to try to go around and create eddies and they're going to cause a lot of erosion in the area.

This is the existing conditions; this is what we're up against right now. The road here where Brooks is at, where the culvert is right here – this is undersized significantly. The road overtops and there's nothing to stop that. We do not plan on touching that, although it's one of those things that is a problem that's been existing for a while. We're not touching that area because OU to the south – we don't want to impact them at all. So our purpose of this is to not impact anybody upstream, downstream, left or right of this property. That's what we have done with the floodplain study that I have performed. Basically, the hydraulic analysis that I do – it's taking the FEMA models and we topograph the site – run cross sections – use a model, which is what FEMA uses as all their floodplain models. We run this model. It's existing condition. The floodplain lines that are in the red here are the FEMA effective flood lines, and what we have done is essentially we are excavating property – basically excavating land here to move the floodplain over to this side. We are not touching the creek at all. The main channel of the creek – the flowline – we are not impacting at all. We are not touching the bank on the west side. The only thing that we are touching on the bank is a couple feet off of the east side here to get more available area for floodplain storage. We're getting zero residential structures in the floodplain. There is no units – no people living in there. We're removing every obstruction from the floodway. We are also – they talk about fill, but we have a net decrease of soil in the floodplain. We are removing fill. We're not bringing fill in. It's a net decrease of soil. We're taking more soil out than we're putting in. So when they talk about fill, don't believe that, because we are removing more than we're taking – it's a net decrease, which is where we get the additional floodplain capacity storage – 1.3 acre feet. It's quite a bit of storage when you're adding to a situation and trying to improve it and make it better. So, additionally, we're also maintaining the natural drainage pattern – we're not changing that. And this is in the code – this is what they represented in some of the letters that we received. And the erosion protection – we are going to be protecting this creek. Another thing in the ordinance was talking about preserving the floodplain; well, our floodplain is now going to be preserved with a park. So, therefore, that's open space park area. There's going to be low risk of any type of flood damage now because we're fixing the situation. As in the ordinance as well, the whole purpose



of the floodplain district and to floodplain manage is to have a sound use of the land that will increase your tax base. So, essentially, that's our proposal.

5. Sean Rieger – I think the key point there is the 1.3 acre feet of additional capacity. We are increasing the capacity of the floodplain. We're taking out the impediments that cover it right now.

6. Mr. Knotts – So are you widening the channel?

Mr. Collida – No, sir. I should probably have put a slide of the cross-section there. On the west side, we're leaving everything alone on the west bank. The flowline of the creek we're leaving alone. When it comes up on the other side, when we get out of that two-year storm, then we start cutting the bank – I think it's about two feet below where the existing top of bank is, and then we're cutting it out and basically excavating where the buildings are at now, after we remove everything, obviously, and that's where the additional storage – so, basically, we're just transferring – we're redistributing soil from one area to the other and moving the floodplain to the east side.

Mr. Knotts – So will the overtopping of Brooks ...

Mr. Collida – That remains the same.

Mr. Knotts – But it would be wider, probably.

Mr. Collida – No. It will remain the same. It's shaped a little different – if you look at the – now here's the thing with the FEMA model – and I've got all this.

Mr. Knotts – You're pushing it to the east.

Mr. Collida – The FEMA model – I've got all the data I can show you. But the elevation that they have at the street there – if you actually take the real elevation, it's as wide as what we're doing. So we're not really impacting that. They just have the model – they have it drawn incorrectly because they are assuming that everything is going underneath the culvert. We've modeled this and I've got all that data and I can show it to you.

Mr. Knotts – So the built side – the apartment side – are you raising – I mean you're obviously not going to take that silt and take it over as fill, but are you raising the base elevation?

Mr. Collida – Yes, sir. On the west side.

Mr. Knotts – Finished floors.

Mr. Collida – It will be a minimum of – I think the minimum is two feet above the 100-year floodplain. And we'll make sure that that's well above all that.

Mr. Knotts – And what kind of increase is that over what it is now?

Mr. Collida – We are not increasing the floodplain. We are not increasing the height of the water at all.

Mr. Knotts – No. I'm asking the finished floor elevation now and what it will be.

Mr. Collida – This building here, I think, is around 1144 – 1143. It's going to be around 1146-47. So everything is going to be up two to three feet.

Mr. Knotts – And it will be a different building.

Mr. Collida – It will be a fill section. We're putting a retaining wall on the west bank to make sure it's protected from erosion as well.

7. Mr. Gasaway – I'm not an engineer; I'm just a simple state employee. So excuse the simplicity of my questions. I'm a little concerned when you muck with Mother Nature that Mother Nature tries to take it back. After hundreds, thousands, and millions of years of the water running through there. So you're saying you're going to narrow it down – essentially make it deeper – somewhat of a funnel effect?

Mr. Collida – No, sir. These red lines here – this represents the FEMA floodway. Our floodway is in the green. All we're doing is shifting it over and winds slightly, but our floodplain – so biggest is your main channel – but we are not deepening the channel. We're not touching the flowline. The creek will look the same. We're not going to disturb it except on the east side where we can cut in and get more floodplain storage out of it.

Mr. Gasaway – But what keeps it from wanting to get wider, like it was originally?

Mr. Collida – Oh, we want it to get wider, but we're making it get wider on the east side. You see, our floodplain now is out here in blue. See, we're controlling it in the fact that – instead of letting this water be impeded by these units and then kind of slowly drift over here and flood, we're creating an area and managing that flood water in a controlled environment. You know, some cities do this as projects without development around it and they do this as a floodplain management project, and they spend their own dollars to do so. On this project, private funding is going to help fix kind of a public floodplain issue to get these buildings out of the floodplain.

Mr. Gasaway – When you do that, does that impact the water at the head or the foot?

Mr. Collida – To be honest with you, we're actually bettering the situation to the north of us as well. Because all this extra storage, when it hits that creeks and it hits that headwall, it backs that water up. If we create more storage, it's not going to back up as far, so there's going to be less people technically in the floodplain to the north. So it's actually bettering the situation not only for the floodplain in general, but for residents that are to the north of us as well.

Mr. Gasaway – Okay. And doesn't affect the flow into the duck pond at all?

Mr. Collida – No, sir. We're not touching that area right there where the main section comes across the road. We're not touching the road or the creek or the culvert, so that remains the same. And downstream of Brooks there is no impact.

Mr. Gasaway – So it's okay to muck with Mother Nature?

Mr. Collida – In this situation, since it's already been messed with, yes, sir.

Mr. Rieger – You already did. And you see right there with buildings ...

Mr. Gasaway – Yeah. We built buildings on top of it.

Mr. Rieger – In the floodway and in the floodplain.

8. Mr. Boeck – Well, one of the things I will mention there is FEMA changes – every time you see a FEMA map, it's different. They're changing their maps all the time, so it's not sacrosanct as far as ...

Mr. Knotts – They're just getting better information.

Mr. Boeck – Maybe.

Mr. Collida – And that's what we'd be doing. We're going to go for a CLOMR, which is a conditional letter of map revision. And upon approval of that, we construct the facility and we as-built the survey and redo it based on as-built conditions. Then we submit for a LOMR, which is a letter of map revision. Upon approval from FEMA, then we actually change those maps you're talking about and then it's officially out of the floodplain and then it can be a certificate of occupancy because it's not in the floodplain.

Mr. Boeck – I'm thinking probably what's now floodplain, when they built it, was not floodplain.

Mr. Rieger – Well, I think you're right.

Mr. Boeck – It changes every year, every five years, every ten years.

9. Mr. Rieger – If I can expand real quick on that. Not only is that impediment to flood water, but it's an impediment to this property being redeveloped. I've heard many people since I started on this project tell me that, man, it's about time Bishops Landing got something done to it. Well, it's not going to get anything done to it unless we solve that flood problem. So that is at the heart of getting Bishops Landing into its next generation. So I apologize for injecting.

10. Mr. Gasaway – Besides the process tonight, what's the process of – the application process for moving the floodplain and getting it approved by the City? What are the steps in that process?

Mr. Collida – The flood study that was approved by the Floodplain Committee – that will be submitted to FEMA as a CLOMR – conditional letter of map revision. They go through a review process. We address comments. Upon approval, then it would kick in to where we could actually start building the project, final plat approval and construction plan approval by the City

of Norman. Then, after it's built – after the dirt work is done – because, once it's out of the floodplain, anything above it is fine – we'll do another survey of the topo. We'll run cross-sections, rerun the hydraulic models through there, then submit it again to FEMA, as it's being built, and then upon approval from FEMA as a LOMR submittal, then once they approve that, then it's officially – and the timing is supposedly as in the CLOMR gets approved, we start construction. As the LOMR gets approved, they finish construction and we're ready for residents.

Mr. Gasaway – Does City Council have to approve that separate of the zoning process?

Mr. Rieger – I'd probably defer to Mr. Bryant to answer, but I don't – City Council, of course, will be approving this project. They have to go through that entire process. I don't know that it will be a separate agenda item, if that's what you're asking. I'm not sure.

Mr. Gasaway – We've just never done it.

Mr. Rieger – Right. City Council will approve this project, just as they have any project.

11. Mr. Knotts – So it used to be that Brooks was basically the flush point for City water – I mean storm water. You didn't have to detain – you don't have a detention area here. Is that still the case, Sean?

Mr. Collida – We're reducing the amount of impervious cover on the property. We're taking more concrete out.

Mr. Rieger – Quick answer, and Shawn is going to expand, I'm sure. But we are reducing the amount of impervious so we were not required to produce our own detention facility for the project.

12. Shawn O'Leary, Director of Public Works and Floodplain Administrator – At the risk of just repeating what they've said, they did a complete storm water study and a floodplain analysis. Because they are actually reducing the impervious area, which is a very rare thing with any new development project or infill project, they are not required to do any detention – any conventional storm water detention for storm water purposes. Although they are, as Dean has said a couple of times, creating additional storage for the floodplain at their own will and as part of the floodplain management process.

I would just offer that I would concur with really everything they've said; they did a nice job representing that. I was waiting for Dean to get to the discussion of the LOMR – letter of map revision. He got to that eventually, but that's a very critical part of this process and was a condition of the Floodplain Permit Committee's approval – that it has to go through the LOMR process with FEMA. It is a four to six month process easily. It is a very extensive engineering hydrologic and hydraulic analysis. I would guess the applicant is spending \$10,000 or \$15,000 or \$20,000 just on that process alone to get that, and nothing can happen on this project, depending on what the Planning Commission and City Council would do – nothing can happen with any filling or earth work or any channel work in the floodplain until the LOMR is approved by FEMA and ultimately distributed to us. That term LOMR – letter of map revision – is effectively revising the floodplain map. It's making it look like that based upon this study. Then, as he said, they would prove afterwards that they actually did everything that they said they were going to do.

To the point – and Jeff can speak to it – about City Council involvement in this floodplain issue, there is an element of the current floodplain ordinance that requires that if the floodplain area is being reduced by 10% or more then that application that was approved by the Floodplain Permit Committee must go to the City Council during the plat review process. So we are prepared to do that with your recommendation tonight and the Council will then consider that issue of reducing the floodplain width by more than 10%. I'm sure we'll have some of these same discussions that night as well. Any other questions I can answer with regard to the floodplain issue? Thank you very much.

13. Ms. Pailes – Rental cost range?

Mr. Rieger – We were just talking about it a little while ago. They haven't set it yet. I would just say probably market rate, comparable to what you see these other complexes. But I don't have that for you as yet.

Ms. Pailes – I mean, the granite tops is very nice, but it makes the rent. So I'm just curious. So, basically, you don't know.

Mr. Rieger – Do not know the answer to that.

Ms. Pailes – Total height of the building?

Mr. Rieger – Is similar to the Elsey project. It's five stories, roughly 60 feet at the periphery, and then the parking garage we have shown at 80 feet. We don't think you would likely see the parking garage. As you can see, again, it's shrouded within the complex. When you're down on the ground looking up at the five-story building, I don't think you'll see it. But it's similar heights to what the Elsey project.

#### **AUDIENCE PARTICIPATION:**

1. Sherri Stansel, 608 Shadow Crest Court – I currently serve on the Floodplain Committee and have since its inception in 2007. Also served on the Council committee that drafted our new Floodplain Ordinance. I am here because there was a mistake made in approving this floodplain application for this development that is before you, being that they are proposing to fill in the floodplain, which is in violation of our ordinance. There is a copy of a letter that you all are getting here on behalf of myself and Neil Suneson, the other citizen committee member. Like all of you on this board, I am a citizen volunteer and when I had experience in this subject my time is limited to fully review the materials and we depend upon staff report and technical presentations to be able to make an informed decision. Following approval of this application, I continued to feel very uneasy and continued to review the ordinance and the application itself and discovered that a critical part of the ordinance regarding the restrictions on the uses of fill were not cited in the staff report or raised and discussed during the meeting. I talked with Mr. Suneson early this week, who concurred, and together we drafted the letter you have to make the City aware and make the request that the application be postponed and reconsidered. Based upon these restrictions regarding fill, the proposal does not meet the floodplain regulations. I highly urge you not to send this forward, as this is the foundation of our revised ordinance that we spent two years putting together regarding no adverse impact of our floodplains. This also impacts our citizens who have flood insurance in the City of Norman, as FEMA gives them deductions and better floodplain rates based on better floodplain management practices. We are a member of the Community Ratings System. Norman came in a very high 5 rating, which gives each one of the people that have flood insurance a 25% reduction. I'm going to give other people an opportunity to speak. Thank you very much. I do hope that you turn this down. Thank you.

2. Marion Hutchison, 5220 Montrose Circle – Commissioners, I appreciate the chance to speak. I also served on the City Council Floodplain Committee that drafted the current ordinance from 2006 to '07. I also served on the Floodplain Permit Committee from 2007 until 2012, when I retired my position. I can tell you – I'm also a geologist and my personal experience – got involved in all this because I lived in the Cambridge Addition, which part of it happens to be raised on fill. And my house happens to sit on part of it. I can tell you our neighborhood is having problems with the channel that was channelized to do that project that was probably run through models and calculated that it would be fine, not knowing that actually in the real world often Mother Nature does what you don't really think it's going to do and we've got headcut problems, erosion problems. So I just want to make sure that – you can hear all kinds of information about calculations on these things through models, but in the real world sometimes it doesn't work. What's being proposed has significant fill on it. If you look at the staff report – I'll just quote on here that this is a major fill operation. While our fill restrictions are not complete prohibitions from putting fill in the floodplain, we have specific limitations -- only three precise uses for fill. Those uses, and the limitations weren't cited on the staff report or

at the Floodplain meeting – I think you may have a copy of those. The first is (a) the elevation of individual residential and non-residential structures, including driveways; the construction or repair of public roads and bridges; the river or stream bank stabilization or reinforcement projects. We have never in all the time I was on the permit committee and we looked at dozens of permits – and the Planning Commission never saw those applications for development because they never got past our Floodplain Committee. We never approved anything of this magnitude – ever – which is the wholesale filling of the floodplain. That has never occurred. Our ordinance only allows for the minimum amount of fill necessary to raise individual structures on a pad to allow people that actually have property, if they so desire and want to go with minimum FEMA standards – which a lot of communities have. You can go to a lot of places besides Norman and the minimum FEMA standards are that you can raise the floodplain – you can fill it in. You can do everything you want with it and you can do all that. But the reason we redid our ordinances was to get away from minimum FEMA standards – to move into the 21<sup>st</sup> century of planning. While I completely endorse planning in the 21<sup>st</sup> century for urban development and density, we've also moved away from 19<sup>th</sup> century – 20<sup>th</sup> century stream planning. Floodplain management now means stay out. FEMA recommends that. The community rating system that Sherri referred to was – the CRS – we will get docked points if we set precedents for undermining our floodplain ordinance. Currently, at a minimum, on the fill standard, this application doesn't meet the ordinance. Thank you.

3. Rachel Butler, 4000 Hammer Drive – I'm here before you as a member of Council who worked on the floodplain ordinance modernization and improvement from the inception, along with Sherri and Marion and several other people, including a couple of other Council members. I'm going to talk about the floodplain. I think that the floodplain issue trumps everything else about this project. I feel very strongly that way. If this project were to go ahead as is – sitting here thinking this – to me it eviscerates our floodplain ordinance and I chose that dramatic word purposefully. If we ignore the language in our ordinance, which is trying to produce no adverse impact, as you mentioned, and put us to a higher standard than the old days, we've made a precedent that takes us back to old style floodplain management, minimum standards.

Let me tell you about Tulsa. Tulsa, back in the 80s, had a huge flood. They had had early floodplain ordinance modernization, but there was a lot of pressure and so they stepped back and allowed more building in closer to the streams, and then they had a gigantic storm and flood and people died. So that was the start of them moving back towards keeping out of the floodplain all structures and not messing with Mother Nature – letting the floodplain do its natural kind of services that it provides.

If we pass this as it is, we have set the precedent that anything goes, just like the olden days, and we no longer have that protection which we wrote into the ordinance based on a lot of research and looking into the experiences of other communities in the state and outside the state, what their experiences were, and best practices that they had discovered over decades of looking at flooding and storm water runoff and all of that. So that was going on when all of this began, when we began working on upgrading the ordinance. There were some projects that came forward that kind of got our attention. For me, personally, part of that was kind of more of an awakening to watersheds and runoff and what happens with the cumulative development and increasing intensity of development in urban areas. Each project by itself may have minimal impact, but the cumulative effect of all of these things is extremely detrimental. We have lots of experience of how that works and I don't think we want to go that way anymore. So I ask you not to send this ahead.

4. Stephen Weichbrodt, 1400 Classen Boulevard – All the questions and concerns that I had have been addressed by either the presenters or the concerned citizens that have presented themselves before. So I don't have anything else to ask.

5. Mitch Baroff, 421 Park Drive – Pretty much reiteration of what I said on the last applicant. I feel that, if the project's density is within the current zoning ordinances, go ahead with the

project; it sounds fine. I wish I knew how many units are allowable by current zoning. If I had the numbers correct here, currently they have 35 units per acre – gross acres – 7 acres – and they're going to have 60 when the project is done, plus or minus. I guess the last project was about 90 per acre. And then how does the floodplain work? If you have 10 acres and 50% of your property is in floodplain, can you count that for units and just put them all on the 5 acres? Or do you have to subtract that out? So I'd like to know an answer to that also. I have no idea. And back to the play by the rules. The current zoning is current zoning. I know our infrastructure cannot handle this kind of density. We need to do a major plan throughout the whole facility. Transportation can't handle it. Can't even handle it regionally right now, let alone locally. And who knows about water and sewer at these kind of densities? Like somebody said before, how many people are going to be in one square mile if we allowed everything to be at that particular density? I'm tired. The drawings and the presentation were real nice. All our trees really hit that façade real pleasantly. The trees kind of bring the scale of the building down. I love the open space. But, again, the bottom line is the density and zoning.

6. Girma Moaning, 208 Dollina Court – As we consider developments in the City of Norman, I think that it's important to ask what do we want to be as a city and where do we want to be in the future? I've heard the statement current zoning many, many times tonight. But if we were to roll back 25 years and look at current zoning then versus what we are today, and then fast forward to 25 years in the future, I think that we need to take a large scale viewpoint as we're considering these. I also feel that the argument about traffic is being phrased in an almost reverse type argument, because the further the people have to travel into a location with sprawl, the more time that a vehicle is going to be on the road. Whereas, if you have major draws, such as the University and major work places where you have high density housing in the vicinity, that greatly reduces the amount of cars on the road. You could say, well, there are 100 people with cars in a set development, or a thousand, but how much time are we removing those cars from the road I think is the question that we really need to look at. Suburban sprawl impacts Mother Nature much, much more than an individual high-density development. I also think that, as a City, we also have to consider long term when developers spend hundreds of thousands of dollars multiple times in our cities, we want to ensure that we have ways within our zoning to insure that some of these development can move forward, because the current and the future uses by the citizens of the city are not the same as what they were 10, 50 or 75 years ago. So I hope that you all take that into consideration tonight. Thank you for your time.

7. Sean Rieger – I just think it's relevant that you hear that – I just want to focus in. Ms. Stansel said that we should have no adverse impact on our floodplain. We're improving the floodplain. We have an existing adverse impact. Then I think it was Ms. Butler that said keeping out of the floodplain all structures. They're in the floodplain. We're trying to get them out of the floodplain.

Just quickly, the ordinance, section 1, page 1, had about 11 items of the purpose of the floodplain ordinance. Number one is to protect human life. Number two, minimize public money for costly flood control projects. Number three, minimize the need for rescue and relief. Number five, minimize damage to public facilities, utility lines, sewer lines – those are all in the floodplain right now. Number seven, control the floodplain, keeping structures and buildings out of it. Number nine, meet the needs of the floodplain to carry the water through it. Number ten, enhance existing protections for residents, structures, facilities from flood damage. We are right in line with not only what they said – get the structures out of it and no adverse impact – but with the ordinance. So I would urge you to consider that, please. Thank you very much.

#### **DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Mr. Lewis – We've been provided three different documents that say we've made a mistake as a Floodplain Commission. I'm just wondering if Mr. Bryant or Mr. O'Leary can address those concerns. Has there been a mistake made? And where are we?

Mr. Bryant – We were actually brought into this probably day before yesterday late afternoon. So we haven't had a whole lot of time to do a lot of in-depth legal research on it. But from looking at the Floodplain Permit Committee question, that committee was duly posted, duly called, duly held. The vote was unanimous. There are seven members on the Floodplain Permit Committee. Every one of them voted for this particular application. Afterwards, I understand from the comments, that there has been some second thoughts by at least two of those members. But process wise, when you have a deliberative body, you make a decision on that deliberative body; if there's a point of reconsideration, that has to be done before that deliberative body adjourns, and that did not happen. So you really don't get overs.

Now, a point that was made, I think, by Mr. O'Leary, which I think this body should keep in mind, is, because it impacts 10% of the floodplain on this site, it is required under the floodplain ordinance to go to the Council for consideration when Council considers the preliminary plat. So Council will get to hear these comments and Council will get to consider that as they consider the preliminary plat. There's really nothing in the floodplain ordinance that asks the Planning Commission to consider this particular issue. Planning Commission's role, as you look at the land use plan change – which is an overlay district – should it continue in the flood hazard district, or should that be removed with this project as it matches with the zoning change and the preliminary plat that's being presented? The underlying zoning is not being changed; it's still R-3, which is high density. So your role on the overlay question really is, with this proposal, should that overlay for that part that's being taken out of the floodplain be taken out of the flood hazard district? The question that they're talking about tonight, about whether the Floodplain Permit Committee made a mistake, is really not within the purview of the Planning Commission. But Council does get to consider their concerns when they consider the preliminary plat, because it impacts 10% of the floodplain. Does that answer the question?

Mr. Lewis – Absolutely. Mr. Bryant, I appreciate the clarification in regards to process. That's what makes this a democratic country, and it sounds like this is the Council's problem and not something that the Planning Commission actually should review. Thank you.

Ms. Connors – I just want to correct one thing that Mr. Bryant said, was there is a zone change being requested this evening. The NORMAN 2025 land use plan change is only as it relates to the floodplain, but there is a zone change from R-3 to PUD.

2. Mr. Knotts – So I understand this discussion that we had – that we're not supposed to consider. But I look at this project and I think that the mistake was made in '65 – '64 when that original project was built. And this appears that it's – that's what changed the floodway, the floodplain – the 100 year flood – whatever that is. Flood area. So it appears to me that this project is coming in to rectify that and not necessarily channelize – which I don't like – but it is going back to a more natural and a more – an easier maintainable area of floodway. That's the way I believe, and I think I'm right.

3. Ms. Gordon – I have a quick comment. I think whatever the last gentleman said that went to bed – I think he made a good point and I don't know. If a good 40 to 50% is the green space and the floodplain, then the density is probably greater – at least similar to the Elsey project. Is that not correct? If it's about 4 acres really that you're developing on – 900 units or something – then really the density is about the same and maybe even a skosh more by my numbers. So we can't really say it's less dense, because it's not really true. Doesn't seem to be anyway.

Mr. Boeck – You're dealing with different acreages.

Ms. Gordon – Sure. But I'm saying, you're not building on the 7.5 acres they're saying. You're building on 3 to 4 acres, which is about the same as the other project with more units.

So kind of part of the issue I have – I really like this project for a number of reasons. The floodplain thing. The one-phase construction. I think there's a bunch of things that takes care of the issues with the proximity to the railroad tracks. Let's face it, Bishops Landing really needs to be dealt with for a number of reasons. However, you're still dealing with some – it would be disingenuous for us to say the traffic is an issue with the Elsey project but not an issue with this

simply because it's next to a CART stop. Well, for any other reasons. Really. I go back to the same thing. I don't know that it's necessary. We're still, I think, relying on this kind of fairy tale assumption that people aren't going to drive as much as they probably will. You know, the parking – although there's a lot of parking. I don't know. I mean, we're talking 900 something bedrooms. That's a whole lot of people for that area. I just don't think it's a good fit. It's massive. It's not a good fit for that space. It's more than is necessary. Would it improve on what we have? Absolutely. Is it the best improvement that may be out there? I don't know. It doesn't seem that way to me.

4. Mr. Gasaway – I've kind of waived back and forth on this for the last several days. So as we were going through tonight I made my little plus and minus list, which are very similar to Cindy's. But let me just go through some of them. I'm kind of talking to myself, as I'm prone to do from time to time. On the positive side, it's replacing an aging apartment complex, rather than tearing down neighborhood homes. It's one phase from start to finish, so you don't run into three or four years of construction in the area. It does have access to Brooks, which is both a positive and a negative, because, when you get to the east and west end of Brooks, it's very difficult to go somewhere from there. I mean, if you've seen the traffic on Brooks when it comes to those intersections, it's very difficult. Another positive – it's a very attractive design.

On my negative side, you're still planting a college dormitory with the number of people of Adams Center at OU in that part of town. But, to me, I think the most deciding factor is still the mass and scale and the size of the facility. You know, if it were two stories shorter I'd probably be in favor of it. But I think it's still very much out of place for what Norman is used to at this point. It may be a few years down the road we get used to buildings like this. But I don't think we are now and I don't think that's a very good place to have as a starting point.

5. Ms. Pailles – Much as Jim said, you've got 950 beds. You've got 778 parking spaces. That's just not acceptable. Maybe it works some place; I don't think it's going to work here. As I said, walking around Page Circle – 26 lots, 32 cars at 3:45 on December 10. The students here have cars. 778 parking spaces are not enough. They'll be parking on Brooks. They'll be parking on Trout. They'll be everywhere. That's just not acceptable.

The density – right. If you're looking at the density of Calcutta, it's just too much. The streets around are still labeled as failing at peak hours; it's not time to build something this dense right here. Our infrastructure is not being effective use made of it. Our infrastructure is not ready for this, and may never be. Again, if it were built in connection with the Page Circle, you turn the area into a cement canyon. I don't see the attractiveness of this. The building itself is attractive. It's just way out of scale. 80 feet. They say if it's stepped back you don't notice it. It's hard not to notice a building that's 80 feet tall. It really is.

Just in terms of sprawl and Sean's comments, density is seen often as a counter force to sprawl. Sprawl being just the eating of the entire ecosystem around all cities through suburbs. The only way density counteracts sprawl is if you have obligatory land offsets. If you have the density here, you give open land here. Otherwise, density does not counteract sprawl. I was talking to a friend who is a city planner in Seattle. I said we're talking about density, but there are no offsets. He said, oh, well, what you're voting for is both density and sprawl. If there are no land offsets, density does not counteract sprawl. Some people live in the suburbs and the rest of them live in apartments and you have three times the population you were planning on.

On the plus side, holy cow. Right now it's a mess there. Right now the parking lot feeds through a culvert directly into the creek. The creek is a slimy mess because it's filled with oil runoff, both from Classen and from the parking lot at Bishops Landing. It just runs directly into it. This would correct that. I'm almost inclined to vote for it just for that, because it's a slimy mess right now. It's a LEED building. We've had a number of density proposals come to us talking about their commitment to a walkable environment. Well, you look for the other data points that means this is a sincere commitment. Walkable, yes. This is the only one that has met the other data points. This is the only one with the energy star appliances, the low flow, and the LEED commitment. That's very impressive.



It's just too massive for the area as I see it. And the parking.

6. Mr. Lewis – Mr. Chairman, while being certainly concerned about the environment, from this standpoint I usually don't speak about it, but on this project I must speak about the environment and the impact of what we currently have in regards to what the applicant is proposing. Right now what we currently have is a mess. Very clearly. Whether the mistake was made in the 60s, the 70s – whoever made the mistake, it was a mistake. This applicant is spending an enormous amount of money, energy, and time and has already spent money and energy and time in trying to rectify a problem that exists within our community. Ms. Pailes mentioned it as well – not only do we currently have a stream that has oils in it, this obviously has some type of cleansing with the grasslands going into that stream – a major improvement over what's currently there.

The pluses – I know, Commissioner Gasaway, you asked one of the things and mentioned it on two different items – we're building a college dormitory. I think about a college dormitory and I think about the University campus and, while the University has made leaps and bounds in building multi-level parking spaces, if you look at the current dormitories that are at the University of Oklahoma, it is a massive asphalt sprawl of cars. This complex, as well as the Elsey complex, has contained those cars into a multi-level parking space which I applaud. That's one of the questions that really set into me was, maybe at some point in the future the City of Norman – we will be ready for this. I ask you now, as we look at 2020, 2025, 2030 – we are to be looking in the future. This is going to have a lifespan of some 50 – 60 – 70 years. We don't know. But it's going to have a very long lifespan. If we're not ready for it now, when will we be ready for it?

As we look into the future of the City of Norman, look at the expansion of the University of Oklahoma and look at specifically the expansion that Mr. Rieger mentioned, we don't know what's going to be happening to that piece of property to the north and to the west. It may be a very large building. It may be a very large parking garage. We don't know. But the University is expanding and this fits perfectly within the model of where the University is going in its expansion. So not only do I applaud this project for its very positive environmental impact, but I applaud this project because it is very forward looking. It's preparing for an expansion that is coming, and if we put our heads in the sand and say, hey, it's not coming, then we're going to be stuck with a City of Norman that cannot accommodate the number of students that will be at the University in the future. So I very much support this and I would hope that my other Commissioners would see that as well.

7. Mr. Boeck – Well, I want to add to your comments on energy – LEED. We talked about LEED. One of the things – I look at Bishops Landing. I never lived there, but I got here to go to school in '72 and it was already old. I had friends – girlfriends that lived in those apartments and they were nasty then, not very energy efficient. So I'm not sure what the difference in energy use is between Bishops Landing and what you guys are planning to do. We've got traffic issues. We've got energy issues. We've got water issues. And by building things like this, we can start addressing our efficient use of water, our efficient use of electricity, energy.

Mr. Lewis – And not only reduce the amount of crime that's in that area right now.

8. Mr. Knotts – So I have just a point of information, if I could. Kind of a personal thing. Are these caves that are on the project wine cellars? No? What are they?

Mr. Rieger – They're breezeways between the courtyards and the outside that you can see through.

Mr. Knotts – Okay.

Mr. Lewis – But they would be good wine cellars.

Mr. Knotts – Not if they're open in Oklahoma. So I just have one traffic kind of situation that I want to bring up. There are a lot of parking places here in this garage, but there are only two outlets. I can tell you, as a designer of parking lots, that if you constrict the flow, you're going to constrict the use. So I think that possibly will ameliorate the concerns about major traffic – car impacts. There is also a huge parking lot across the street that I built, by the way. It

is a surface parking lot. Anything that drains a surface parking lot – a street – a driveway is going to have oil in it. So it's going to be a problem.

Mr. Boeck – And that parking lot drains right into the duck pond.

Mr. Knotts – I know. That's the way it was designed.

*Chris Lewis moved to recommend adoption of Resolution No. R-1415-40, Ordinance No. O-1415-27 with the amended site plan showing sign locations and amended PUD Narrative addressing signage, Ordinance No. O-1415-28 and PP-1415-12, the Preliminary Plat for UNIVERSITY HOUSE NORMAN ADDITION, A Replat of Block 3, MILLER ADDITION, to City Council. Sandy Bahan seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS  
NAYES  
ABSENT

Erin Williford, Dave Boeck, Tom Knotts, Chris Lewis  
Robertta Pailles, Sandy Bahan, Jim Gasaway, Cindy Gordon  
Andy Sherrer

Ms. Tromble announced that the motion to recommend adoption of Resolution No. R-1415-40, Ordinance No. O-1415-27, Ordinance No. O-1415-28 and PP-1415-12 to City Council, failed by a vote of 4-4.

\* \* \*

Item No. 13, being:

**MISCELLANEOUS COMMENTS**

Ms. Connors noted that the Commission will be voting for officers at the meeting in January.

\* \* \*

Item No. 14, being:

**ADJOURNMENT**

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 11:15 p.m.



Norman Planning Commission